

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 5, 2023  
Rough Draft

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-third day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Senator DeBoer. Please rise.

**DeBOER:** O Holy one, bring us closer to your kingdom where the last are first and the first last. Guard us against ego, soften our certainties. Remind us that what we do to the least of us, we do to you. Be with those of us who mourn and those who are ill. Today, especially, we pray for those who work amongst us who do not always get recognized as they should for their labors: the Clerk's staff, the tour guides, the janitorial staff, the craftspeople who are renovating our building, our AAs and committee clerks, our security officers and Sergeants at Arms, our IT workers and all others who work in this building. In the name of the one who is, who was, and always will be. Amen.

**KELLY:** I recognize Senator Bosn for the Pledge of Allegiance.

**BOSN:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**KELLY:** Thank you. I call to order the seventy-third day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** There's a quorum present, Mr. President.

**KELLY:** Thank you. Are there any corrections for the Journal?

**CLERK:** There are no corrections this morning.

**KELLY:** Are there any messages, reports, or announcements?

**CLERK:** There are, Mr. President. Report of registered lobbyists for May 4, 2023 is-- will be in the Legislative Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. Notification that the Transportation Committee will hold an Executive Session today at 10:30 under the south balcony; Transportation under the south balcony today at 10:30. Business and Labor will hold an Executive Session today at 1:30 under the south balcony; Business and Labor, 1:30 under the south balcony. That's all I have this time, Mr. President.

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**KELLY:** Thank you, Mr. Clerk. Senator Raybould, you're recognized for an announcement.

**RAYBOULD:** Buenos dias. Feliz Cinco de Mayo. Pero tambien es la dia de los indechos desaparacidos y es esenadas. I said good morning. Happy Cinco de Mayo. But good morning, colleagues. I rise to share with you that President Biden has proclaimed May 5, 2023 to be Missing or Murdered Indigenous Persons Awareness Day. Victimization rates for Indigenous persons, including children, are higher than the national averages. We know that Native American women are murdered ten times more than the national average, and these crimes are underreported and remain unsolved at disproportionate rates. For decades, many families were left to search for, investigate, and fight for justice for their loved ones as they endured their own grief. While today we recognize the epidemic of missing or murdered Native Americans and Alaskan Natives, it is important that every day we put action behind our words. I am grateful for the significant and ongoing improvements toward this effort at the national level and grateful for those who have worked to prioritize resources to help overcome the barriers to reporting and investigating missing and murdered Indigenous persons in our state. Thank you, Mr. President.

**KELLY:** Thank you, Senator Raybould. Mr. Clerk, for items.

**CLERK:** Mr. President, turning to the agenda, LB813, introduced by the Speaker at the request of the Governor. Its bill for an act relating to appropriations; amends several sections; defines terms; provide, change, and eliminates appropriations for operation of state government; repeals the original section; declares an emergency. The bill was read for the first time on January 25 of this year and placed on General File-- excuse me, referred to the Appropriations Committee. That committee placed the bill on General File with committee amendments. Pending, Mr. President, are the, the bill itself, the committee amendments as well as an amendment from Senator Machaela Cavanaugh.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I hope you had a good evening and a good morning. I was just looking and I haven't located it yet this morning, an article that pertains to conversation that I started having last night. I want to make sure I remember which amendment we are actually on here. So this strikes Section 20. I know a few of you were kind of cheeky last night, agents

of chaos, and voted for my amendment to strike the operation budget for DHHS. Just want to make sure we know what we're voting on this morning with AM1627, strikes Section 20 of AM1169. Yep, that is striking Agency 46, Department of Correctional Services Program No. 200, Operations. It's-- program totals \$24,925,453. So I'd encourage you to not vote for AM1627. But if you do, that is what it does. It strikes the operational budget for Corrections. OK. So yesterday, as I was reading through the Martian, I came across that we had a \$5.5 million transfer from or shift-- I'm not sure what the right terminology is, still working on my morning coffee so bear with me a little bit-- but a transfer from behavioral health aid to pay for lawsuit settlement of Wipro. And then it came to my attention that there was actually a committee hearing for Business and Labor yesterday on this very thing-- how apropos, timing-- about the lawsuit with Wipro and I believe Senator Conrad had asked the question about why this wasn't part of the claims bill. And I see that we do have the claims bill on the agenda today on Select File, and perhaps there is an answer forthcoming that we're going to move this out of the budget and put it into the claims bill. I know we had another lawsuit settled with the State Patrol. I don't remember the exact amount. I want to say it's \$18 million, but I could be wrong. Again, working on my morning coffee, so. So for now, I think I will, I'm going to try and find those articles so that I can be more well-informed on what exactly is happening. Although anyone who's involved in the Business and Labor Committee hearing or any member of the Appropriations Committee is welcome to get on the microphone and explain to not only your colleagues but the state of Nebraska what this is all about, because it is not clear and there hasn't been an explanation given and I do think that that is unfortunate. We do have at least five hours left on this bill and it would be really just excellent leadership, policymaking, if you all who sit on Appropriations could spend a little time and energy explaining what your intention is--

**KELLY:** One minute.

**M. CAVANAUGH:** --in this budget. I will say I am extraordinarily disappointed in the lack of engagement over the last three days with members of the Appropriations Committee. But I guess you don't feel you owe us any explanations or education on the budget. So thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Clements, you're recognized to speak.

**CLEMENTS:** Good morning, Mr. President. Thank you. I just wanted to give a refresher on what LB813 is. It's the third of the major budget bills, which is called the deficit bill. It's funding agency needs through June 30 for agencies that had increased expenses over what they had budgeted previously. And we had corrections, had increased salaries and some increased number of employees. And we had in Health and Human Services, they had expenses for computers, IT expense, and one settlement with a software company. The total of that is \$32,134,000 and that is what the proposal is in this bill. And we have it printed on your green sheet showing the General Fund status of \$714 million. That \$32 million has already been taken out of that number. So passing this bill won't reduce what you're seeing for available revenues yet. And I just wanted to do a little refresher for that and I was glad to see that there were no corrections for the Journal being needed to be done this morning and thank you, Senator Wayne, for approving the Journal today. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements. Senator Sanders, you're recognized to speak. Thank you. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Do I have one more time or do I just have my close after this?

**KELLY:** One more time.

**M. CAVANAUGH:** OK. OK. So clearly, members of the committee are not going to engage on the budget and I'm really sorry for that. This is, it's certainly exhausting. It is exhausting. And part of what is exhausting is that I shouldn't be talking as much as I am. On the budget, I shouldn't be talking as much as I am. And I have sat back when people are talking and on specific issues, I've sat back so that the body can engage in the conversation around the budget and I've participated when the body is engaging around the budget when it is something that I feel under any other circumstances that I would engage in. But the budget is our responsibility. It is literally our only responsibility. And the fact that there are numerous members of the Appropriations Committee who have yet to even speak on any of the budget bills, not a single word. I don't know why you're on the committee if you can't help carry the water on explaining the budget to the body. And to the rest of the body, what are you all doing? This is substantial, substantial, multiple pieces of legislation that none of you are talking about. And I'm standing here reading it to you, highlighting pretty significant concerns. And you all are remaining

silent and you're going to just vote for it. What are you all doing? Why did you even show up? You don't need to be here. If you're not going to do your jobs, you don't need to be here. You can go see your families. Behavioral Health Aid, page 27: In addition to the FMAP decreases and provider rate amounts described above, the proposed budget includes funding for the 988 call center beginning July 2022, nationwide use of a three-digit code for persons to access behavioral health assistance and referral, including for suicide ideation and other behavioral health emergency care. Call of the house. I waive my closing. Thank you.

**KELLY:** There's been a request to place the house under call. Question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 13 ayes, 3 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused senators are now present. Members, the question is the adoption of AM1627. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 1 aye, 34 nays on adoption of the amendment.

**KELLY:** The amendment is not adopted. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to offer AM1628.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to, to open on the amendment.

**M. CAVANAUGH:** Thank you, Mr. President. Let's see here, AM1628. AM1628 strikes Section 27. OK, see what that is. Section 27 of AM11-- nope, wrong one. OK, AM1169, Section-- what did I say, 27. Section 27, Department of Economic Development, Community Development. Cash Fund, \$10 million. There is included in the appropriation for this program for FY '21-22 cash fund-- zero cash funds and for '22-23 \$10 million cash funds for state aid, which shall only be used for such purposes. All right, so AM1628 strikes a \$10 million community development grant to the Department of Economic Development. OK. Nebraska settles \$15.5 million lawsuit for \$5.5 million. Nebraska settled a 2019 lawsuit with

India-based technology, with India-based technology company Wipro Limited for \$5.5 million, about one-third of the amount that the company sought. Wipro was hired to conduct an \$84 million upgrade to the state's Medicaid eligibility and enrollment system-- management system. After the state prematurely ended the contract in late 2018, the company sued for \$15.5 million, alleging the state failed to pay it-- what-- pay it what it were owed before the contract was terminated. The work began in 2014 in an effort to bring Nebraska in line with the Affordable Care Act. Prior to Wipro's contract being terminated, the state had paid the company roughly \$6 million, according to previous reports. Bo Botelho, general counsel for the Nebraska Department of Health and Human Services, said at a hearing Thursday that \$5.5 million represents the total settlement agreed upon by both state and Wipro officials. Again, there was a hearing Thursday, that being yesterday. The settlement was part of an amendment to LB828 [SIC--LB282], which acts as a regular legislative measure used to appropriate funds for various claims made against the state. Overall, the amendment totals more than \$26 million. The biggest chunk of that is \$18.75 million in a separate settlement that Attorney General Mike Hilgers announced two weeks ago. It will resolve a 12-year legal dispute over state trooper salary and retirement benefits. The lawsuit filed by state troopers claimed the Legislature approved unconstitutional increases to the troopers' pension contribution rate from 8 percent in the 1990s to 19 percent by 2011. The suit was filed in 2011, making it one of the longest lasting litigations in Nebraska history, Hilgers said Thursday. He said the lengthy dispute has incurred significant costs to both sides, and some of the troopers who are part of the original lawsuit have since passed away. Even so, he said, the settlement will benefit more than 400 current and former members of the Patrol, and will impact roughly 28 years of payroll. That must be the end of it. When you print an article, then it prints whatever pictures are also there and so there's some other pictures here. OK. So yesterday I was reading about the Wipro lawsuit and there's an article about that. And this all got on my radar because I did this miraculous thing where I was reading the budget, something everyone, 48 other members should do. And I questioned if even the members of the Appropriations Committee have read the budget. So let's see here we've got, it was in LB282, which is on the agenda for today. So the claims bill is on the agenda for today and I haven't looked yet. I'll do that now and see if there's some sort of amendment pending on the claims bill. Let's see here, no, no, no new amendments pending, I don't believe. There are motions pending. Oh, there, there is an amendment. Following sums of money,

therefore required here by General Funds. Let's see here. So there is an amendment pending, but it doesn't so far appear to be related to the settlements for claims against the state. And then I, I wonder, be great to get an answer from someone on the Appropriations Committee, yet again. I wonder how do we typically fund claims against the state? Is it a typical course of action that we would just take funds from another area of spending? Do we not use General Funds for claims against the state? Why are we shifting funds around? OK, so I'll just go back to reading. License Plate Cost Decrease, page 135 of the Martian: A new issuance of license plates is scheduled beginning on January 1, 2023. The plates will be valid for six-- for a six-year period. The last issuance of plates from 2017 will be phased out during 2022-23. This '22-23 is also the second year of the new 2023 series license plate production. Each fiscal year of the six-year cycle, fewer and fewer plates are produced. Production of the new 2023 plates began in FY 2022 to allow Cornhusker State Industries division of the Department of Correctional Services the time to fulfill initial plate orders and deliver plates to the counties where they will be issued beginning January 1, 2023. I like that we have it called-- that we call it Cornhusker State Industries. Cornhusker State Industries, state-run sweatshop. But it's got a nice name, so we don't know that that's what it is. Cornhusker State Industries, where people get paid less than \$1 an hour. Cornhusker State Industries where you can't go home and you can't work for more money and you can't find a better job and you can't get rehabilitative services, but you can live in inhumane situations. Cornhusker State Industries, job just waiting for you.

**CLERK:** One minute.

**M. CAVANAUGH:** Cornhusker State Industries, it's not for everyone, just poor people. Cornhusker State Industries, where we like to hire minorities at a disproportionate rate. What a great place. Cornhusker State Industries, division of the Department of Correctional Services. Brought to you by your Nebraska Legislature. Funds to pay for license plates and stickers are transferred from the Highway Trust Fund to the License Plate Cash Fund. The Highway Trust Fund is reimbursed through the collection of license plate fee, which will be \$4.10 for 2023 plates. The agency is requesting a decrease in the budget for this program, as most of the new 2023 series plates have been produced. The current base appropriation for FY '22-23 is \$6,157,919. For FY--

**KELLY:** That's your time, Senator,--



**M. CAVANAUGH:** Thank you.

**KELLY:** --and you're next in the queue.

**M. CAVANAUGH:** Thank you. So I think it was last year, yeah, I think it was last year that the director of Corrections, at that time, Scott Frakes, came before the Transportation Committee because they wanted to increase the cost and they can't increase what they charge-- the state charges for license plates. They wanted to increase the cost, the charge for license plates. So there was a bill introduced. It came to the Transportation Committee-- thank you, Margaret-- it came to the Transportation Committee and, and in that hearing, I asked the director, wanted to know why, why are we increasing the fee for a license plate? And I, I had hope, not much, really barely at all, not even a glimmer, maybe a pinprick of a hole of hope that perhaps part of the reason we were requesting an increase in the cost in, in license plates was because of the most expensive part, the labor. Perhaps we were going to pay those who are producing our license plates more than 83 cents an hour. Of course, that wasn't what it was. We were not going to pay people who are incarcerated who work for Cornhusker State Industries more than 83 cents an hour to produce our license plates. That would just be bananas. No, the cost of metal had increased so we had to increase the cost of our license plates. I don't even know the last time we increased how much we pay people who work for Cornhusker State Industries, sweatshop by Nebraska. I'm not sure that we have in decades, but I do know that we pay them less than \$1 an hour. So that's great. That's great. Cornhusker State Industries, where you can get your products produced at the cheapest rate possible. Are you looking for an inhumane living situation where you can get paid slave wages? Welcome to Cornhusker State Industries, operated by your Nebraska Correctional Services. Cornhusker State Industries, job is waiting for you. It comes with room and board, but you're probably not going to want it. All you have to do is be dehumanized, demoralized, marginalized, cast aside by your state, and then we'll hire you and put you up at Cornhusker State Industries. You know what's great is that what will lead you to Cornhusker State Industries is a lack of investment in mental healthcare. We're here to do that, too. We'll take \$5 million away from the behavioral health aid fund to pay for our own lawsuits because we are incompetent at running government and procurement. Cornhusker State Industries, we're here to serve. Anyhow, back to the license plates produced by Cornhusker State Industries. Funds to pay for license plates and stickers are transferred from the Highway Trust Fund to the License Plate Cash fund. The Highway Trust Fund is reimbursed through the



collection of a license plate fee, which will be \$4.10 for the 2023 plates. The agency is requesting a decrease in the budget for this program, as most of the new 2023 series plates have been produced. The agency is seeking a decrease in the budget for the program because the plates have been produced. We wouldn't want to use that excess money to pay the people that are producing them more. No, that would be, again, bananas. The current base appropriation of FY '22-23 is \$6,157,919. For FY '23-24, an adjustment is needed of \$2,486,577 for an estimated appropriation of \$3,671,342 transferred from the Highway Trust Fund.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. In FY '24-25, the necessary adjustments would be \$3,379,928 from the current base for an estimated need of \$2,777,991. Well, that's just lovely. I hope we can learn more about Cornhusker State Industries in our journey today. Thank you so much, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I don't know where I'm at on this bill. I'm probably no. And, Senator Machaela Cavanaugh, thank you for bringing up Cornhusker State Industries. If you didn't know, you should know that, you know, according to the United States Constitution, you're legally a slave if you're incarcerated in prison. A couple or a few years ago, Senator Wayne was able to get, you know, slavery removed from our state's constitution, although about, I think, 30 percent of the state still wanted slavery to be in the constitution. So that's where we're at. And I'm going to continue the conversation about the prison. I'm going to keep talking about it because it's wrong. The Nebraska State Penitentiary is not going to close and you guys are going to vote to build a prison. The Appropriations Committee voted for the prison without requiring the Department of "Punitive" Services to do their job. Then you shut down two amendments yesterday that would require them to do their job. So we're going to have fun and keep this conversation going. I just, you know, had to walk away yesterday because I wanted to get my thoughts together before I got on the mike. And I think it was a good idea, but I'm still upset and disappointed in the body for not stepping up to do the right thing. No one has yet to stand up and tell me why you guys don't want the department to do a classification study, why you didn't require them to really study programming, why you didn't require them

to study staffing and mental health needs in prisons. You just blindly voted for the prison. And now, after blindly voting for the prison, you guys want to come back and say, oh, we messed up, we're sorry. Go tell that to the men and women that are stuck in prison. Go tell them you're sorry. Go tell that to the men and women who are in prison because they got incarcerated because of residue, and now they're stuck in the Pen for five-plus years and they have to work as slaves in Cornhusker State Industries and nobody wants to raise the wages for incarcerated individuals. Go talk to them and tell them you're sorry. Stand up and tell them you're sorry. Stand up and tell them that you didn't tell the truth about the prison for the past three years and that you want to keep your options open and that your argument for programming really isn't a strong argument because you're not requiring them to study programming and you're not putting money aside for programming. Tell them that. Stand up and say that. Then you'll get up and say, oh, Senator McKinney really didn't say this or didn't say that. Yes, I told the truth. And you're trying to find a way to not make the truth the truth. But the truth is you don't want to close NSP, something I've suspected since I've been here that you're just trying to build a prison to add another prison to the state. It's not a replacement prison because you don't even want to close it. You don't want to bulldoze it. You don't want to do anything. So tell the Nebraska people that for three years the truth wasn't told about the Nebraska State Penitentiary. It is not closing. I repeat, the Nebraska State Prison is not closing. We're just building another prison, and it's probably not going to be staffed properly. Tecumseh is already not staffed properly because we made the dumb idea in the early-- late '90s, early 2000s to build it in an area that doesn't have a labor force. So now the men that are in Tecumseh barely can see their families.

**KELLY:** One minute.

**McKINNEY:** They have to be basically on lockdown for 72 hours on the weekend because the state wanted to be tough on crime and build prisons without logic. And we're doing-- we're making the same mistake again and everyone's OK with it, especially the Appropriations Committee who voted blindly to build the prison without requiring them to do the bare minimum of doing their job, holding them accountable to the law. So just think about that today. Thank you.

**KELLY:** Thank you, Senator McKinney. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I rise in opposition to AM1628, and I'll just refresh you on what that section, it's striking Section 27, Department of Economic Development, \$10 million allocation to their cash fund. And it's-- let's see, the item that we approved in the budget that says: Due to an increase in cash fund receipts and increase in housing construction prices, the department is requesting a one-time increase in this case fund for fiscal year '23. Without the increase in spending authority, the department will not meet its affordable housing goals. The Affordable Housing Trust Fund gets money from documentary tax. When you sell a piece of real estate, there's a documentary tax called a transfer tax sometimes, that's due to the-- paid by the seller, and a portion of that tax goes for affordable housing and for low-income people in Nebraska and it's-- they had an increase in revenues for that and they-- but they can't spend it until we authorize that so there's \$10 million that the Department of Economic Development would like to add to the affordable housing grants. And so that's why I'm in opposition. We-- and the committee approved that expenditure or that appropriation and hoping that it is able-- that this will allow it to be used for affordable housing in Nebraska. And so that's what Section 27 was doing and I also don't think that Senator Machaela Cavanaugh really wanted to cancel that. But it's-- as these amendment comes up-- come-- amendments come up, I would just-- wanted to make it clear why I'm in opposition of probably all of them. I would appreciate that we pass the committee amendment that has this and other items in it and I will be voting red on AM1628. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. There are, the Business and Labor staff, my staff, and the Fiscal staff are working to get an answer on some questions I had about the Wipro claims bill, so I will go back to that later. Is this my last time before my closing?

**KELLY:** Yes, your last time before your close.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I stand here with numerous amendments on LB813. First of all, it's the budget and it's important and somebody should be talking about it. And if you all are aren't going to talk about it, I will. But, more importantly, it's LB574, LB574, LB574, LB574. Last night, Senator Hunt spoke about an article that came out yesterday and I couldn't meet her energy in, in discussing that and engaging on it so I just, I just stayed focused. I

stayed focused on the budget and I'm going to do that again today. I'm going to stay focused on the budget because if I don't-- I am angry. I am tired. I am sad. So I'm going to talk about the budget. Because if I don't, I will match and probably exponentially match Senator Hunt's energy yesterday because I don't like this place and I don't like the people in this place. And every day I get up and I force myself to come to this place because I have to because of the choices that the people in this Chamber continue to make, force me to have to. And it is hard and it hurts. And I don't want to be here and I don't want to be talking. And I hate that people continue to support a bill that harms children because they're too weak to stand up to a backbench freshman and say your bill is garbage and I'm not going to support it. It's bad policy, it's poorly written, it hurts medicine in the state of Nebraska. It hurts the business community, it hurts children, it hurts families, it hurts parents. It's a human rights violation. It's a parental rights violation. It's a civil rights violation and you can't stand up to a backbench freshman and tell them that. And I hate it so much. I hate being here. I hate being here. I am fortunate that I don't sit where Senator Hunt sits, that I don't have to sit on either side of me with people that want to take away my parental rights like she does.

**KELLY:** One minute.

**M. CAVANAUGH:** I hate it. And I have people ask me all of the time, all day, every day, how do you do it? How do you do it? I don't "f-ing" know how I do it. I don't know, coffee, water, and sheer determination to not let children in this state get hurt by this body. That's how I do it and I hate it. I hate it so much. I want to be with my kids, one of my kids is sick. I won't be home with that kid. I want to snuggle my kid. But I can't fail kids so my husband's doing it and God love him for it. I love him so much for it. So instead of being home with my sick kid, I am here with people who want to hurt kids.

**KELLY:** That's your time, Senator. Thank you, Senator Cavanaugh. Senator Clements has some guests in the north balcony, 45 fourth graders from Conestoga Elementary in Murray. Please stand and be recognized by your Nebraska Legislature. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. An article came out today about the Nebraska Parole Board. It's titled: After heat from state leaders, Nebraska's Parole Board shows up. Something interesting happened, said me, after the public and state lawmakers learned that members of the

Nebraska Parole Board rarely showed up together for parole hearings. The board members started attending more hearings. This year, the Parole Board's five members have appeared together at hearings twice as often as they did in 2021, according to a Flatwater Free Press analysis. Board attendance spiked in spring 2022. That came after a Flatwater Free Press story showing that, in the previous three years, the board had recorded votes from all five members at only 37 percent of its hearings. And board members' attendance spiked again this year, soon after McKinney introduced a bill meant to curtail the members' number of times a board member could miss a vote. In the two months after the bill's introduction, 63 percent of parole candidates had their cases heard by the full board. That's the first time in five years parole candidates had a higher chance of presenting their case to the full board rather than a partial board. There's no problem with our hearings, said Rosalyn Cotton. And where is this? OK. All right. I actually think that the data you're showing is more the anomaly instead of a pattern, the board's legal counsel said. Honestly, 2023 is probably more representative. McKinney, a Democrat, had a one-word response when learning about this information. I just called it interesting that a news agency put out an article and I introduced a bill and the Parole Board started showing up more. Guess they were feeling pressure. Board member attendance does matter, an analysis of the past five years shows that. When all five members were present and voting, the board granted parole 62.6 percent of the time in the past five years. When only three or four members were present, enough for a quorum, the board paroled only 56.4 (percent) of the cases it heard. This persistent gap could have kept nearly 200 parole-eligible individuals behind bars longer between 2018 and 2021, costing the state hundreds of thousands of dollars those three years, the analysis showed. And that parole gap persisted in 2023, as the state continues to grapple with prison overcrowding and makes plans to build another \$350 million "plantation." You got poor attendance, and then you got declining parole rate. It all goes together. We have to figure out a system to make it work, and it's not helpful that the Parole Board hasn't been doing the best of their abilities as far as their jobs in a sense. Board members were interviewed and they said they're doing their best job to show up at hearings and, and always made three-member quorum needed for a hearing to proceed. Cotton, who's the Chair, she said she was on medical leave at various points in 2021 and 2022. She missed the most hearings of any board member during the five-year period examined by Flatwater Free Press. There is no problem with our hearings. I have been gone on medical and I don't have to tell the world I'm out on medical as long as we have quorum.

**KELLY:** One minute.

**McKINNEY:** The problem is that we have a prison overcrowding crisis and we have a board that's in charge of assisting the state and the legislator-- Legislature with that crisis and they're-- they haven't been showing up. And it's only because of this, a previous article and me introducing a bill to make changes to the Parole Board in which I prioritized, and I'm hopeful to get it out of the Judiciary Committee and pass this year that they started showing up and doing their job. And that's why the Appropriations Committee should have made sure the Department of "Punitive" Services stepped up and was doing their job and you all voted that down yesterday and that's the problem. Thank you.

**KELLY:** Thank you, Senator McKinney. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on AM1628.

**M. CAVANAUGH:** Thank you, Mr. President. I am going to get back to these claims in a minute. I'll do it on my next ten-minute opening. I-- oh-- I looked up Nebraska's Cornhusker State Industries. They have a website. It makes it sound really nice. Cornhusker State Industries, building opportunities. We are a 136-year-old, 100 percent self-supported Correctional Industries program with the Nebraska Department of Correctional Services. We provide opportunities to about 500 incarcerated men and women daily to learn job skills which enable them to successfully reenter society, obtain employment, and contribute to taxpaying citizens. I'd like to dispute at least one of those claims, obtain appointment. So Cornhusker State Industries has contracts for various things that they create and build. Some of them are with the state. Some of them are with private companies. And we don't require companies that contract with that we have members-- opportunities for incarcerated men and women to work for. We don't require-- there's no stipulation in these contracts that they need to hire a certain percentage of post-release convicts. So they can-- they're good enough to work for them when they're incarcerated and they work for Cornhusker State Industries, they're good enough to have a contract with the state and, and employee these individuals then. But when these individuals are no longer incarcerated, they don't hire them because of their felony convictions. They're no longer good enough to work for them. Interestingly, post release, they would also have to pay them at least minimum wage. So it would also cost them more to employ these individuals. It's a wonder. It's a mystery. How does this all work? I don't know. So there we go. But they've got great opportunities. They've got a top ten benefits of Correctional

Industries: Reduces recidivism. Correctional Industries is a proven program that works. CI's recidivism rate of 20.5 percent versus the state rate of 40.5 percent illustrates that offenders working in CI are less likely to return to prison than the average offender. Saves taxpayer money. Eighty-six percent of CI's programs are self-funded and operate solely from the revenue they generate from the products and services they provide without relying on tax appropriated funds. I don't know how that saves the taxpayers money at all. That doesn't make any sense. We have this program that we have purely because it is a program that we have and because we have this program which is saving you money because it costs you nothing for us to do this program that we have.

**KELLY:** One minute.

**M. CAVANAUGH:** OK. I have a program, too. It costs the state-- it saves taxpayer dollars because I don't charge the taxpayers anything for it. Keeps prisons and communities safer. Correctional Industries programs effectively reduce offender idleness. This is the best one yet. It reduces, it reduces offender idleness. This is the rationale for paying people less than \$1 an hour is that it reduces their idleness. You know what else? Paying somebody minimum wage, paying them to work for a minimum wage also reduces their idleness, and it allows them to have money, money to support their family outside of Corrections, money to save, money for commissary. Yeah, it pays people for their work instead of--

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you. Call of the house.

**KELLY:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor-- that was her close. The question is, shall the house go under call? All those in favor vote; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 14 ayes, 4 nays, Mr. President, on the call of the house.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is on your call. Senator Lowe, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Senators, the question is the



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adoption of AM1628. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 0 ayes, 30 nays, Mr. President, on adoption of the amendment.

**KELLY:** The amendment is not adopted. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, your Committee on Enrollment and Review reports LB2-- or excuse me, LB92A and LB227A to Select File. Additionally, your Committee on Enrollment and Review reports LB138A, LB254A, LB683A, and LB799A as correctly engrossed and placed on Final Reading. And notice that the Transportation Committee will hold an Executive Session at 10:30 under the south balcony, Transportation, Exec Session, 10:30 under the south balcony. Mr. President, next amendment, Senator Wayne offers AM1621 with a note that he wishes to withdraw. Mr. President, Senator Machaela Cavanaugh would move to offer AM1629.

**KELLY:** Senator Machaela Cavanaugh, you're recognized open on the amendment.

**M. CAVANAUGH:** Thank you, Mr. President. OK, this is strike page 8, lines 6 through 22 of the amendment. So LB813 and page 8, lines 6 through 22. This is the Division of Employment: There is included in the appropriation to this program for a FY '21-22 \$1,600,000 cash funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for \$1 million [SIC] state aid to only use for this purpose. What is the-- all right. Department of Labor, Division of Employment. So honestly, I don't even know what that does, but probably not something you want to vote for. So Corrections, yeah, that's a whole banana situation. State claims, another banana situation. Nebraska, I am not on the Appropriations Committee. No. I have requested to be on the Appropriations Committee since my freshman year and I'm not on it. And yet here I am, the only one explaining the bills. So yesterday I came across in the budget, in the Martian, an, an item where we are taking \$5.5 million out of behavioral health aid, moving it to the General Funds to pay for the Wipro settlement that was-- had a hearing in Business and Labor yesterday. There's an amendment to the Business and Labor bill, LB282, that includes, because it's the claims bill, that includes the claims. Now I'm trying to get answers on this, I'm not on the Appropriations Committee. I'm not on the Appropriations Committee. No one on the Appropriations Committee is making even the slightest attempt to answer these questions to provide clarification on this. However, my

staff, the Business and Labor Committee staff, and the Fiscal staff are all working together to help get answers to this. What are the members of the Appropriations Committee doing, sitting at their desks, some of them, not hitting their lights, any of them. So all nine of them are listed on the website. Feel free to contact them with your questions about the budget. God bless if they'll answer them for you. OK, so we have this \$5.5 million in claims to pay for Wipro. There's an amendment for the claims bill that includes this. And then there's also the 18 point something million that we need to pay for the State Patrol settlement. Also in the claims bill. And honest to goodness, if I'm saying things wrong, I would hope that someone on the Appropriations Committee would get on the microphone and correct this. So I'm just going to say what I think is the situation, and I don't know if I'm right or not. It's my own assessment of what's going on. So we have these claims, we have a claims bill, the claims bill will have an A bill, as all the other bills do, the A bill will come from, usually comes from General Funds, maybe it comes from a cash fund. I don't know. So my question has been why if we have a claims bill, why if this money is in the claims bill, why is it also in the budget? And from what I can tell, what I can discern, this is in the budget because it's not coming from General Funds. Paying this claim is coming from behavioral health aid. Why? We have to move the money from the behavioral health aid in DHHS to the General Funds to pay the claims. Why? Because if we don't do that, we will reduce the General Funds left on the green sheet on the floor. Why? Because we want to do massive corporate and wealthy income taxes, and every penny is going to count. So every dollar we can steal from somewhere else, we are going to. It is a pattern of behavior in this budget. We have the Environmental Trust Fund that we're raiding. We have the Universal Services Fund that we're raiding. We have the Health Care Cash Fund that we're raiding. We have the TANF Fund that we're raiding. Now, we have behavioral health aid that we're raiding. And this is just from what I have been able to read in the last few days and figure out on my own. So I guess I understand why no one, no one on the Appropriations Committee wants to stand up and defend this bill or any of these bills, why they're not sitting here any longer. They probably are afraid I'm going to ask them to yield to a question. I'm not. I'm too angry today to ask people to yield to questions. I don't feel very collegial, so I'm not going to ask people to yield to questions because I just, that's not my style. When I ask people to yield to questions, I genuinely want to know the information that I'm asking. And when I'm in a mood where I just can't deal with you all, I'm not going to do it because I like to hold myself to a standard. And that

standard is I'm not going to ask people to be on the mike so I can be rude to them. Not a standard you all hold yourselves to when you ask me to yield to questions, oftentimes, but a standard I hold myself to. So I'm just going to put forth conjecture and maybe somebody will respond if it's inaccurate. And if they don't respond, I think we all are fair to assume that it's not inaccurate. So we're taking money from all these different funds to pay for the things that we have to pay for, have to pay for. We have to pay for our claims. We have to pay our lawsuits. So we're taking money from all of these funds. Why? Because we saw the money so we took the money. We didn't ask questions about the money. We didn't question whether it was appropriate to appropriate the money. We saw the money. We took the money. What does this result in? This results in leveling out growth, which we know is something that the administration is very firm on wanting to accomplish. What else does it do? Taking money, pots of money that we shouldn't be taking from, it also allows us to have more General Funds on the floor. Now, what are we going to do with those General Funds? That's the \$700 million question. What are we going to do with those General Funds? Tax cuts and pet projects. In the bill, in the Martian that I was reading yesterday, it talked about reductions because of sunsets that were required to be put into place for Senator DeBoer's childcare bill, for Senator Day's-- or Senator McCollister's, now Senator Day is reinstating it, SNAP bill. So those sunsets were in this budget. We do have those amended into a bill to take back, and that is pretty much the beginning, middle, and end of anything we are doing for people--

**KELLY:** One minute.

**M. CAVANAUGH:** --in low-income wage earners and in poverty. That's it. And it amounts to, I don't even think, \$3 million. And we had to beg, beg for those things to happen, beg. Senator Hunt talked about this yesterday, about wanting to be unleashed. Part of me wants to be unleashed and a part of me just wants to go sleep. I got a lot of things to say that I'm not saying, a lot. And I don't know if I'll ever say them. I might just go to bed. But I sure would like the opportunity to be able to either say them or go to bed, but I'm held hostage just like everyone else in this Chamber is held hostage by LB574. I too, am held hostage by LB574.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you. Thank you, Senator Cavanaugh. And, Senator Hunt, you are recognized to speak.

**HUNT:** Thank you, Mr. President. Good morning, colleagues. We have this joke in my office and with my friends. Is today going to be the day that you throw up? Is today throw-up day? And every-- I feel like, I feel like it might be the day. I feel nauseous. I feel-- it doesn't matter. You don't-- might be the day. I, I, I was listening to Senator Machaela Cavanaugh and it inspired me or provoked me or moved me to get in the queue and share some views about LB813 and what the connection is to my life as well. Senator Machaela Cavanaugh was talking about how she'd rather be with her family, and, and you guys can all leave and be with your families and you should if you want to. So my kid who is trans and I was so proud of him for coming to testify against LB574 and I don't even think he knew, like, what a big deal this is for the session. I still don't think he knows. I still don't think that he really gets it. And I ask him sometimes, like, why is this not getting to you more? And he's like, well, it doesn't really affect me because I'm not going to live in Nebraska. So that's the way he views what you all are doing in this state. And this year he had the opportunity for the first time to join school sports, which Senator Kathleen Kauth wants to take away the opportunity for him to do. And I was never in sports. I was always in academic stuff like Academic Decathlon or Quiz Bowl and stuff like that. And I never was an athletic person at all. But my kid, he's already, like, six inches taller than me. He's going to be 13 next week. And when I started all of this, when I started running for office, he was only six. So most of his childhood has been spent with me in here. And now he's shot up, he's, like, this tall, he's skinny and long and he's a runner and he is in the boys finals for the city of Omaha. He's in the city finals next Friday. And being here fighting every single day for LGBTQ, trans rights, specifically this session and against the abortion bill, I haven't seen him run one time, my only baby's first time he's ever been in a sport. You know, I don't, I don't, I'm not the sports mom. I'm not, like, making snacks for afterward. I'm not giving kids a ride home the way my parents would have done or the way, honestly, Senator Machaela Cavanaugh's husband can do, you know, going to the zoo and helping all the kids yesterday on their field trip. I don't have anybody like that. So my kid is in sports for the first time and I haven't been able to watch him compete once. And I find out next Friday he's going to be in the city finals running because he's one of the fastest kids in the city. And he joked a couple weeks ago when he finished a race, but I don't know if he got first place, but out of a big heat, he got a really good placement if it wasn't first. And he said, yeah, Senator Kauth, is right, that's why you shouldn't let trans kids play sports, it's not fair. And I love that he can have a

sense of humor about all of this while recognizing that the only people who are really working against his success are here in this body. And all I want to do is see him run. All I want to do is see my kid, you know, kicking butt out there.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. And hopefully next week for city finals, I'll be able to see, you know, for the very first time. But the school is supportive. Everyone in his school is supportive, the coach is supportive. All of his teammates are supportive. Our family is supportive. Our friends are supportive. The only place that's trying to cut him down, the only place he experiences any kind of denigration or putting down or you shouldn't be able to do this and that is from you guys, is from the people I come in here and sit with every day. Do you really-- you know, why would you take this away from a child? Why would you take this away from a person who's finally happy with themselves, who's doing something athletic and positive and making friends and achieving goals and winning in a healthy, positive way?

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I would like to remind Senator Machaela Cavanaugh this is the third time I've spoken today. I have not just been sitting here. I started out with refreshing LB813 and spoke on the last budget to-- last budget amendment of hers to explain what that would do. And first of all, I want to respond to the discussion about the \$5.5 million Wipro claim. And we discussed it quite a bit yesterday. But the reason it's coming out of the Department of Health and Human Services is because it was their software project and they decided to terminate a software contract with Wipro, which then Wipro asked for \$15.5 million from the state to complete the contract, which they had never really completed the software, they kept getting extensions and finally the department decided to abandon that. The Wipro software was regarding Medicaid enrollment to help people identify their benefit eligibility. It was supposed to do that, but it never became functional. And so the state objected to the \$15.5 million claim and did settle for \$5.5 million. I

don't think we should have paid them anything because they never delivered a product, but that's how settlements work in court. The funding of that is from the Health and Human Services budget and the behavioral health program. It is ending the year with \$52.5 million of unobligated funds that they overestimated how much their budget was going to be needing in the last biennium and they're \$52 million above budget and currently they have a balance of \$137 million and the 15-- \$5.5 million will not affect behavioral health programs. HHS budget still is adequate and we have, we have reauthorized the balance of the \$52 million. So 40-- \$47 million is carrying forward for them to be able to spend in addition to this current year's appropriation. So I believe it's coming from-- the money is coming from the agency that had hired that software company in the first place. And we've spent many millions more than the \$5.5 million of this claim and, and end up getting nothing for it. I was glad they finally terminated that. And they've gone to a different program, I believe it's called iServe, where you can log in to see what Medicaid eligibility you had for benefits. Regarding AM1629, I am in opposition of that. It's in the Department of Labor is what that would be removing. And Senator Cavanaugh does not have the detailed sheet that we had in Appropriations when we reviewed these and so I'll just go with what the details are. The description we had was, it's in the Reed Act, unemployment insurance modernization appropriation. Funding is requested to pay the--

**KELLY:** One minute.

**CLEMENTS:** --annual software renewal cost for the in NEworks system. That's the Department of Labor unemployment benefits online system. And they needed \$2 million to renew the software for that and that is paid by federal funds but we still have to approve that claim. But it's the unemployment benefits department was able to use federal funds of \$2 million and this is in the LB813 appropriation of the \$31 million total. Well, \$31 million is the General Funds, this is federal funds. Excuse me. So that I would like to go ahead and pay that so we can renew the NEworks system for benefits online for unemployment beneficiaries. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. So after, you know, my amendments yesterday were shut down, I got some intent language proposed to me

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and I made some changes to it and I wonder if Senator Clements would yield to a question?

**KELLY:** Senator Clements, would you yield to a question?

**CLEMENTS:** Yes.

**McKINNEY:** I'm going to read this intent language to me-- to you and could you respond to tell me if you think it's OK or not? As a component of the authorization for construction in this section, the Department of Correctional Services shall complete the following studies: a classification study regarding correctional facilities in the state, which shall be submitted electronically to the Clerk of the Legislature, the Judiciary Committee, and Appropriations Committee by December 31, 2023. A study of staff needs in correctional facilities and mental health services in correctional facilities in the state, which shall be submitted electronically to the Clerk of the Legislature, the Judiciary Committee, and the Appropriations Committee by December 31, 2023. The last one, a study of program and fidelity, including, but not limited to, what is working, what is not working, and the reasons for such failure and what needs to be done to improve programming regarding correctional facilities in the state submitted electronically to the Clerk of the Legislature, the Judiciary Committee, and the Appropriations Committee by December 31, 2023.

**CLEMENTS:** Well, my response would be, I would consider looking at that. I heard that says as a component, is that what it started out, a component of the building the prison. I have been in favor of having studies done. I think that is a proper way to do it. The-- just want to make sure that we don't have to do study after study after study and never get to where we can start building. As a component means that it would-- I, I interpret that as being as it goes along with funding the facility and I would consider looking at it. Not, not going to say no at this time. I can't quite say yes without studying what all those provisions were. But it's, it is wise, I think, prudent to study what the needs are for a facility before we just start building something without knowing what we need. I appreciate that you have been removing some of the, the other items that I did object to, so that is sounding better to me. Thank you, Mr.-- Senator McKinney, for working with me.

**McKINNEY:** Thank you. I'm just curious, was there a reason why you guys voted to build and put the money forward for the prison without requiring the studies to be completed this year?



**CLEMENTS:** We had funded the previous study and, and that's still, funding is still there. We're aware that a study is in process. The facility won't be built, won't even start probably for two or three years. And my understanding is the studies that are going on would be probably done by the end of this year. So it's probably OK to add that, add language of that sort, but I think it's going to be taken care of. But I have been aware that studies were in process and so I think--

**McKINNEY:** Do you, do you think it's, it's smart policy to hold an agency accountable to what we told them to do? The agency didn't complete the study when we told them to do it, but we-- your committee still supported the prison and they didn't, they didn't bare-- at bare minimum follow the law.

**KELLY:** One minute.

**CLEMENTS:** Well, we were hoping that that would be done by now, but they've been moving slower than they-- than we expected. And we do find that with agencies not acting as quickly as we would like.

**McKINNEY:** Do you view that as a problem?

**CLEMENTS:** Yes, we have-- this agency and other agencies have, you know, have frustrated us with their lack of speed.

**McKINNEY:** Thank you. Thank you, Mr. President.

**KELLY:** Thank you, Senator McKinney. Senator Machaela Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Clements, for answering some of the questions. I know you have more detailed information because you are the committee, members of the committee. That's part of the point of frustration, is that the committee isn't here. The committee isn't getting on the mike talking about what's in this bill or any of the bills. The committee is sitting down silent. I find it impossible to believe that with \$5.5 billion worth of things in here, that every single member of the committee doesn't have something to say about the budget. Something to share, some information, some background. It's just disrespectful. Truly, it's just disrespectful. And it's irresponsible. It's negligent. But I do appreciate Senator Clements getting on the mike and at least addressing some of the concerns that I have raised. I don't like the answers, but, but I appreciate the answers, whether I like them and

agree with the thinking or not. Is this my last time or do I have one more time?

**KELLY:** One more time and then your close.

**M. CAVANAUGH:** Thank you. OK, so top ten benefits of Correctional Industries: Keeps prisons and communities safer. This was the part that I was laughing about last time I was talking about this. Correctional Industries programs effectively reduce offender idleness inside our prisons, which is proven to decrease violence against staff and offenders. Correctional Industries provides offenders with job skills, enabling them to successfully reenter society, obtain employment, and contribute as taxpaying citizens. It reduces cost of incarceration. The existence of self-sustaining CI industry, CI programs offsets the need to spend additional taxpayer dollars for offender supervision and alternative program costs. Generates return on investment. A Washington State Institute for Public Policy study concluded that CI programs generate sufficient savings for taxpayer dollars for every dollar spent on CI, \$4.77 is saved in future criminal justice costs due to reduction in recidivism. You know what else? If you paid them a livable wage and allowed them to have savings for the future so that when they are released they have money other than just the \$100 that they're given. And if they happen to have a drug conviction and a felony drug conviction, that \$100 is going to go even less far because we don't allow convicted drug felons to have access to SNAP, which is problematic for numerous reasons. But then we don't let them have savings either because we're paying them so little while they're incarcerated. So we deny them access to SNAP, we deny them access to--

**KELLY:** One minute.

**M. CAVANAUGH:** --saving for their future while they are incarcerated, and then we send them home. And if they are in a home that qualifies for SNAP, now everybody will say to you, well, that doesn't disqualify the family from SNAP. It sure doesn't. But you know what it does? It counts that person. SNAP counts that person in their allocation, and it decreases the benefit for those people in the home. So if you have a convicted drug felon who's in your home and you all qualify for SNAP, your benefit is reduced because of the convicted drug felon is counted in the home, but they don't qualify for SNAP. Makes perfect sense. Makes perfect sense. We penalize people because of a specific conviction. No other conviction, just the one, and then we penalize

their family and then we don't allow them to make a livable wage while they are incarcerated, but it does--

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. The way this all links together is I have the most personal possible experience with a trans person in Nebraska who's doing great, who's got friends, who's turning 13 next week, who's going to city finals for track, who is popular, who's having fun at school, who gets good grades. And do you know how many people are incarcerated in Nebraska who are trans? I've done a lot of work in Omaha with a locally based national nonprofit called Black and Pink. And what they do is they work to support LGBTQ people who are incarcerated from the time when they're incarcerated to when they leave prison and they leave the carceral system and they're trying to get back on their feet, this and that. A couple of years ago, they opened a place in Omaha called the Lydon House, which is-- it's a place where trans and LGBTQ people can go after they're incarcerated. And it's, it's honestly all trans people who are, who are there right now, I believe. And they go there and they can learn different skills. They can have a safe place to live. They can, you know, just kind of have a, a place where they can be safe and affirmed and not have to be doing survival sex work, not have to be doing survival drug distribution, any of these kinds of things that sometimes people feel forced to do when they leave incarceration because they either didn't get programming when they were inside or they don't have support systems on the outside. And a lot of this is sometimes because of their LGBTQ identity. And bills like Senator Kathleen Kauth's, LB574 and LB575, and the way all of you are supporting them feeds into this system where adults who are marginalized in this society by the laws that we pass have a harder time just because of the norms and stigma and culture that we create around their identities. And I know from seeing my child, that's not innate to people. Like, that's not anything he's experiencing as a kid. It's something that people are taught. And when people who are formerly incarcerated come out and they don't have a family to go back to because they've been rejected or they experience violence because they're gay or trans or whatever-- just a couple months ago we had one of the most brutal attacks against a trans woman in Omaha and she went into a coma and all of these things are exacerbated, encouraged by the types of legislation and

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laws that we discuss here. Another thing that we need to be doing that cost taxpayers nothing that should be part and parcel to the types of reform and the types of, yeah, criminal justice reform that need to go along with our budget is food assistance, eligibility for SNAP.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. Every year for the last five years here, I've introduced a bill to allow people who have former drug convictions to receive SNAP if they are eligible. It's not giving them a special right. It's giving them the same right as everybody else who has paid their debt to society, who has a clean slate, who, you know, owes nothing to society in terms of, of lawbreaking or something like that, but has perhaps fallen on hard times. And this year, we had some really, really great testifiers come on this bill. And I wanted to share a couple of their stories. In this article from WOWT, they did, this is Channel 6, they did a really, really deep dive into this bill this year, and they interviewed several people who were affected by the SNAP ban in Nebraska and it's probably not who you think--

**KELLY:** That's your time, Senator.

**HUNT:** --from times that-- thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Erdman, you're recognized to speak.

**ERDMAN:** Good morning, Mr. President. As we're sitting here listening to the conversation this morning, I thought that it would be appropriate to share a little history and then encourage someone who has the authority to change lights to do that. All right. Earlier in my service here, I had went to Capitol Commission, I went to others to ask them to paint the numbers in the parking lot because the new senators that were coming wouldn't be able to tell where they were. In fact, Senator Halloran's spot 33, the number was completely gone. I asked everybody that would listen, can you paint those numbers? And the response was it's not my job. So guess what? I painted them. And so when I was painting them, I look up and see the camera and I thought, uh-oh, I better go tell the State Patrol what I'm doing because they may think I'm putting graffiti in the parking lot. So I went and told them what I was doing and they said that's fine. So I painted them. So that's just a little history of how you get things done here, maybe you have to do some of that yourself to motivate them. So the issue we have is today we have new lighting called LEDs

and they are bright and you could have those LEDs put in these sockets, these light sockets in the hallways, in the stairways, in the Chamber, and then we'd actually be able to see. We wouldn't fall down the steps. Also, the people doing the reconstruction, they didn't understand that we were going to meet every year in January, and we used to have a lounge across the way from the Chamber that we could go into. But this is the third session that we haven't been able to use that, but they didn't know we were going to meet in January every year. Some years, 90 days, some years 60. So I don't know who's in charge of lighting, obviously no one. And I always thought those people worked for us, but I was wrong. The parking lot on the south side of the street is dark. Some of the lights work, some don't. So our staff go out there at night when we're here late nights and there's no lights. This is peculiar to me. So whoever it may be that is in charge of this, whether it's the Building and Maintenance Committee, Senator von Gillern, or whoever it might be, go down to Menards or Home Depot or Lowe's and buy some LED lights and put the bulbs in here so we can see. And don't tell me you can't do that, because if you go in the hallway right out to the south side of the Chamber and you go to the end of the hallway, there's one bulb in there that's brighter than all the rest. So I know it can be done. And also in the stairways, when you go down at night, you can't see the steps. All this may be falling on deaf ears. I don't know. But the last time I did something like this, it helped. So maybe it'll help again. Because when you get here at night, when you're here at night, unless you put your little light on, you can't even see where you're going. This isn't 1927. This isn't the lighting we had with incandescent bulbs. This is LED times. Turn a light on. We'll see how this goes. We'll see if it changes anything. But this is ridiculous that we're--

**KELLY:** One minute.

**ERDMAN:** --here in 2023, and even today, with it being cloudy outside, it's difficult to see. So I don't know how we go forward with this, but tear down the wall in the back, open up the lounge, let's move on because we came here hoping we'd be able to use this facility and we can't. Thank you.

**KELLY:** Thank you, Senator Erdman. Senator Dorn, you are recognized to speak.

**DORN:** Thank you, Mr. President. First time on the mike today, wanted to get up and talk and when Senator McKinney brought forward his

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proposal, asked him if he had a copy of it and got some and I've been reading through it. So was wondering if Senator McKinney would answer some questions?

**KELLY:** Senator McKinney, would you yield to a question?

**McKINNEY:** Yes.

**DORN:** This, this-- did you say that you were, you were going to introduce this as an amendment or that this is just something maybe on Select File?

**McKINNEY:** I gave that to Appropriations Chair in the committee, and it's my second proposal to you to put some language into the budget to try to hold the Department of "Punitive" Services accountable.

**DORN:** So this-- you had three proposals in here that you-- your, your, your comment on the top it says as a component of the authorization for construction in this, in this section of the new prison, and one is a classification study which has been talked about, much about and we keep hearing that maybe by the end of this year this will be, this will be brought forward. But the second one was, it says a study of staff needs in the correctional facilities and mental health services. Is there a study out there now? Is something ongoing or is this going to be a new one that they're going to need to come up with that proposal?

**McKINNEY:** Possibly have to come up with a new study.

**DORN:** That would be up for discussion to see what goes on there?

**McKINNEY:** Yes.

**DORN:** The same-- yeah, the same as number three where it says a study of programming fidelity, including, but not limited to, what is working and what is not working. So those are two, those last two and three are more concepts of studies that you would like to see done?

**McKINNEY:** Yes, but from my understanding, these last two are ongoing studies that have been occurring, and I'm just wanting an update of those studies to--

**DORN:** OK.

**McKINNEY:** Yeah.

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**DORN:** You wanted to more update those and, and stuff so that we had this. Before they start construction they would have-- the intent language is that they would have that available to them. Thank you very much. Thank you for your answers or whatever.

**McKINNEY:** No problem.

**DORN:** One of the other thing I wanted to talk about was, I call it, the Appropriations Committee, and we meet five days a week. I wanted to talk a little bit about this year, as in past years with Chairman Stinner, this year with Chairman Clements, what has all gone on. The green book that was passed out yesterday or Tuesday, the last half of that book deals with agencies. So when we come in to Appropriations, we don't start hearing bills. We go over those agencies, there's 74 agencies in there, 270-some programs. We look at all of those. Any of those agencies, they have the opportunity at that point to come in and give us their reasonings or their thoughts on why they have proposed what they proposed for the next two-year budget. That takes us probably, I don't know, this year, maybe a month, maybe a little longer of all-- we had all-day hearings also, but it takes a long time to go through those. When we're done with the agency hearings or the first time through the agency hearings, they all get from the Appropriations Committee what was, what we voted on, maybe what we didn't vote on, what we needed more questions from them, more answers from them. Then the last part of our Appropriations this year, as most years, was when the agencies were scheduled to come back. If they wanted to come back, if they, if we needed answers for them. Generally, every day an agency was scheduled, one or two agencies, and underneath them were scheduled from four to--

**KELLY:** One minute.

**DORN:** --seven to eight or nine bills. So the last half of Appropriations Committee, we had the agencies come back again. We had the discussion about voting up or down sometimes, whether they were going to be included or not, what their requests were. And then we also had all the bills, 87 bills this year. That's as many bills as we had last year with 40 ARPA bills. The first three or four years I was in Appropriations, we had 40 bills on average. This year we had 87. And there's been much discussion on this floor about all of the other requests that have gone to other committees. So this package isn't just a put together quick and don't look at things, this package has multiple, multiple things involved in it. A lot of conversation goes



on in the committee, a lot of conversations from the agencies and introducing or looking at 87 bills this year.

**KELLY:** That's your time.

**DORN:** Thank you.

**KELLY:** Thank you, Senator Dorn. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. First, I've been remiss so far in this budget in not having said my thank yous to the Fiscal Analysts. So thank you to all of you who work on this budget. You do fantastic work, sometimes thankless work, and I appreciate it all. So thank you very much, all of you who have been there when I've had questions. And for all of your work on this, thank you to the Appropriations Committee for all of their work as well, and to Senator Clements or Chair Clements for his work in this budget. As I understand it, LB813 is the deficit budget. I have some questions I'd like to ask Senator Wishart.

**KELLY:** Senator Wishart, will you yield to some questions?

**WISHART:** Yes, I'd be happy to.

**DeBOER:** Senator Wishart, this deficit budget, budget that we're on right now, this is all about historical spending or not spending. So this budget is about money that we thought we would have to spend, that we didn't have to, or money that we didn't think we'd have to spend that we did. Is that correct?

**WISHART:** Yes, that's correct.

**DeBOER:** So it's already happened. Like, there's not really a lot of arguing about whether we spend it or not spending because it's already been spent or not spent.

**WISHART:** For the most part as a committee, we fund deficit requests.

**DeBOER:** OK. So this is money that maybe the Department of Health and Human Services had to spend extra on a program. And they say, hey, we thought it was going to cost this much, it actually cost as much. Can you give us the difference?

**WISHART:** Yes, and if-- for those of you who are following along, if you go to page 74, that's where you'll be able to read through the majority of the deficit items that are included in this budget.

**DeBOER:** OK. So I appreciate that, Senator Wishart. So I am going to support this deficit budget because I think this is already money that has been spent on behalf of the programs that we've approved as a state. So I don't have a lot more to say about that part. I would, however, join Senator Erdman in his clarion call for LED lights. LED lights cost less money than other types of lights. I think that that will be a savings and also we can see more. I currently had or I recently had to switch to multifocal contacts, which is like bifocals for contacts. They only really work if there's enough light. Sometimes I have trouble seeing. I think we should have LED lights. This is ridiculous. Let's get LED lights. I join in his call, LED lights. We need them in the-- I mean, just yesterday I tripped up the stairs. It would be nice to have a little more light in the stairways. So. LED lights, LED lights, LED lights. Thank you, Mr. President.

**KELLY:** Thank you, Senator DeBoer. Senator Machaela Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. OK. I want to dig in more on the Corrections thing. I received-- I've had a lot of people emailing me this morning about these items, but one person said that the claim on, on the recidivism rate is skewed because many of the individuals, a large population of the individuals working for CI are in maximum security, long serving-- serving long-term life sentences. So that would skew recidivism. If you never leave, you can't recidivate. It's like Hotel California. But I also, I started today out talking about these claims and, and I had-- there's a memo from the Business and Labor Committee or to the Business and Labor Committee from Research Analysts and I just-- it's about the claims bill and the amendment to the claims bill. So thank you to the Business and Labor Committee staff for this, and it explains some, some of these claims. So it's, it's also a summary of the amendment that is pending on the claims bill on the agenda. So line-of-duty claim for \$250,000. The, the-- a contract claim for \$5.5 million, in parentheses, only seeking legislative approval. And this claim is a settlement between DHHS and Wipro and IT consulting company. In 2014, Wipro was contracted by DHHS to provide software and services to replace the functionality of DHHS and current Medicaid Enrollment and Eligibility, E&E, System. This was a six-year contract with an option to renew for an additional two years. Throughout the term of the contract, DHHS retained First Data

Government Solutions LP or First Data. In 2018, DHHS terminated its contract with Wipro; 2019, Wipro sued the state for unpaid invoices; 2023, Wipro and DHHS reached a settlement agreement for \$5.5 million pending legislative approval. For more information about this claim, it is shared in save drive. OK. Then the indemnification claim for \$18,750,000, this is a settlement agreement between the State Troopers Association of Nebraska and the state and tells the information about that and, and then it says it is located on page 3, Section 3 of the amendment, and I misplaced the amendment. I have it laying here somewhere. OK, well, I might have to-- oh, here we go. OK, the amendment. And that's that one. Page 3, OK, so page 3 of the claims amendment and identification classification. So on page 3, line 24 and 25 of LB828's [SIC--LB282] amendment coming, it tells us where this--

**DeBOER:** One minute.

**M. CAVANAUGH:** --amendment comes from. Thank you, Madam President. And it comes from Agency 65, Program 592 so Indemnification Claims: So the-- to fund state employee, state employee indemnification claims, this program provides protection for the state's employees for moneys damages. So that's where the money is coming from. Which is basically just General Funds. Now there's a tort claims program in the Department of Administrative Services. There's a workmen's comp claims. There's state insurance. There's accounting division program. So there's all these different programs. And I do wonder why the \$5.5 million isn't coming out of one of these programs within--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Senator Hunt, you are recognized and this is your last opportunity this time.

**HUNT:** Thank you, Madam [RECORDER MALFUNCTION]-- this article-- article it-- so it's kind of a transcript of a, a special that-- segment that WWT aired in late February and it says: When is someone's debt to society considered repaid? It's a question up for debate in the Unicameral this session pertaining to eligibility for SNAP food assistance. In Nebraska, those with felony drug convictions have a lifetime ban on food stamps. Both Kayla Tobey and Mary Shaw were convicted of felony conspiracy to distribute drugs in separate cases more than a decade ago. Each served their time, but when they got out, they quickly realized the punishment wasn't over. Quote, They said

you're disqualified for life, said Tobey. Quote, They said lifetime ban, said Shaw. When Mary's husband passed away, she needed food assistance. Quote, It had the feeling of you're worthless. You're not a proper member of society. And I was doing my best to amend my wrongs, said Shaw. My budget for groceries was approximately \$20 a month. Mary looked into food stamps. Nebraska law bans anyone with three or more felony possession convictions or one felony distribution conviction from ever receiving help. Recently, Tobey, who just had a newborn son, also found herself in need. I wanted to use it as a steppingstone to help me get back on my feet when I found out that I was going to start over as a new parent, she said. Senator Megan Hunt from Omaha had people like Kayla and Mary in mind when she reintroduced LB 88 for the third time. It would allow those who served their time and are in good standing to get food stamps. Quote, People don't need to keep paying society back and paying a debt and serving a sentence when they've already done that, said Hunt. In past attempts, the bill drew criticism. In 2019, Senator John Lowe of Kearney opposed the bill, saying those who are transitioning from jail need incentives to change. Last year, Senator Julie Slama opposed it, saying she'd like to scale down SNAP benefits. Currently, LB88 is awaiting a hearing in the Health and Human Services Committee. Perhaps the third time will be a charm. This hearing actually went great, and I know that Senator Ben Hansen, who's the Chair of that committee, is supportive of reform around this issue. I think that he understands the view that once you've paid your debt to society, that should be it. You know, the, the court, the judge hands down your sentence. You serve your sentence, you do your time, you get out, and you get to live life like everybody else. But there's only one type of crime, drug crimes, where that's not the case in Nebraska. And it's affecting single parents like Mary. It's affecting Kayla, like the people in this article who paid their debt to society, in some cases decades ago, for convictions in the '90s and stuff like this. And especially after the pandemic, we saw these people come to the fore as folks who were falling through the cracks in Nebraska who were eligible otherwise for benefits that really could have helped them get out of trouble and weren't eligible just because of this arbitrary rule that has been passed down, again, decades ago by the Nebraska Legislature. One way that we can right these wrongs and also reduce recidivism, make sure that the people who are leaving our prisons in Nebraska have what they need to get back on their feet is to just simply change this portion of our law. LB88 is a bill that I believe is still, yeah, it's still in Health and Human Services Committee.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. And that bill would lift the lifetime ban on Supplemental Nutrition Assistance Program eligibility for people with certain criminal histories. Under current statute, an individual with a conviction for drug distribution or three or more felony convictions for possession or use of a controlled substance is banned from using SNAP or even applying for SNAP for the rest of their life. My bill, LB88, would allow these individuals to become eligible for SNAP once they've either completed their sentence, or if they're serving a term of parole, probation, or post-release supervision. And in order to be compliant with the terms of that service, you have to be testing negative for drugs. You have to be in drug treatment, all of these things. So a lot of the opposition that has come up over the years to this bill is really knocked down by that fact. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Senator Lowe would like to recognize 35 fourth graders from Gibbon Public Schools seated in the north balcony. Students, please stand and be recognized by your Nebraska Legislature. Senator Dorn, you're recognized.

**DORN:** Thank you, Madam President. I see-- sometimes or quite often we have over underneath the south balcony we have the press there. And always-- one member I always enjoy talking to. I enjoy baseball and watching professional baseball. And Don Walton there, I know he's probably the biggest Yankee fan in here and got to talk to him the last couple of days about something you don't see very often. And that is if you look at the current Major League Baseball standings in the Eastern Division of the American League, the Yankees right now are in last place. I know this will come back to bite me. They'll probably win that division. But I just enjoy having conversations with him about the Yankees. Him and I have had some little side conversations about some of their players and stuff, so enjoy that very much. Wanted-- when Senator DeBoer and Senator Wishart was talking about the current bill we're on, LB813 and some of the, I call it, reappropriations or whatever for the funds for this year's budget, I want people to also remember that sometimes in some of those agencies and the different programs they're based on the budget that comes out or the appropriations that we allow them. They're not allowed, even if they have funds over in this program, they're not allowed to take those funds and just move them over to the other program and use them now to fund that. So if they're a deficit over here and they know that for various reasons something costs more that year or there's extra

costs have approached them that they weren't aware of, even though this fund over here has 5, 10, 15 million or whatever sitting in it, they just can't automatically move that. That still has to come from this body, from the Appropriations Committee, and then flow through this body so that those appropriations can be made. So that's sometimes why you see a one program in there will have funding and we take and move those funds. One of the other things I wanted to talk about this year, I don't remember what somebody made some comment, but oh, the lights. That was it. Senator Erdman, I told Senator DeBoer that you wanted to be careful when you do the lights because it was going to come out of your own pocket because I'm not sure that was in the budget. Because I remember, Senator Erdman, if I-- if I'm correct, when you painted the stripes, you bought the paint. Yes. So, you know, some of these are good ideas, but you also have to think of the whole picture as you do that. But part of that was, you know, when, when we-- even when we had the Governor's budget was presented to us, one thing that came about this year, part of our construction project that's been going on is the fourth floor up here, up by the so-called dome out here in our center area, out here to redo that. Several of us committee members, we got to go tour up there. I don't know if other people have or not. You can see that it's not being used in that area up there. And they've had some concepts of how they'd like to use it. They'd also like to make it available to the public. You are right up next to the dome. Part of that is they're going to clean that dome and that's going to be part of the, I call it, the construction process. They came to us and asked for \$3 million appropriations for that. I believe in the budget we put in a million and a half. This was one thing that for Senator Clements that was very special to him that we included something in the budget for that process also. So some of these things don't just, I call it, appear out of the every-- that you plan on them. But some of these things come about as we've had some amendments here in the last few days that are good projects, good, good concepts brought forward to us, and then how do we fit them in the budget? How do they get fit in the whole process? But when this construction project process is all done, hopefully in the next couple--

**DeBOER:** One minute.

**DORN:** --of years, I think we'll all be thankful. But this is our one opportunity to, I call it, improve the fourth floor and clean the dome up there, as many of you call it, as many of the young students are out there. And when you go out in the Rotunda and you see them laying on the ground, that's what they're looking up at is that dome way up

above. And to make that so that we can show off our Capitol that we have such a beautiful Capitol that we can show it off to the people in Nebraska. Thank you.

**DeBOER:** Thank you, Senator Dorn. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on your amendment.

**M. CAVANAUGH:** Thank you, Madam President. I would suggest voting against AM1629. Thank you, John. But we'll go for it, whatever, I guess. We have four hours left on this bill, which means we're about halfway done on this bill. So, yeah, I think I have three amendments left. Yep. And so one thing-- I probably won't do more amendments when I run out of those amendments. I'll probably just do motions to reconsider the votes on the amendments, because I know I can within 24 hours, right? Yes. So anything that we vote on today that I don't vote for, I can do a motion to reconsider the vote, maybe. I'll ask later. I'll ask off the mic. How about that? But if not, then I'll do some floor amendments and that'll be fine. But, yeah. So we have four hours and I'm just kind of, you know, going back and forth. I've said this before, it takes a while to get in your groove. When you're filibustering every day, it takes a while to get in your groove. What are you going to talk about? How are you going to approach it? What's the theme? Is there a theme? Is it just a stream of consciousness? And this morning, I just haven't really landed 'cause there's a substantial budget that I've already spent two days talking about and I continually, every time I read something, it sends me down a path. And part of me was like, I should keep doing that because every time I read something, it sends me down a path. And then I, if nothing else, learn more about why we're doing things the way we're doing them. But then I'm like, ah, nobody's really listening except for staff, which I appreciate that they're listening, but, unfortunately they don't get to vote. So be great if the people who get to vote are listening and engaging in the conversation but that's not happening. So then it's like, does it really matter? And I spent a lot of time trying and my staff has spent a lot of time helping me try to stay on the topic at hand. But then I get to days like today, where it's day three on the budget, and I'm like, why does it even matter if I stay on topic or not? Because I don't want to have a dilatory motion. Why would you even file a dilatory motion? You're not listening to anything I say. Everything I say could be 1,000 percent germane to the topic at hand, and you're not listening anyways. So why do you care if I talk about salad or the movie bobbleheads or the budget? You're not listening. You're not participating in debate. The body has all just kind of



mentally checked out because they just say, oh, she's just going to talk. So I don't have to do-- I don't have to do my job. So, so I'm just kind of, like, trying to decide what's my groove for the next four hours? Do I want to keep talking about the budget? Do I want to talk about something else? Do I want to just stand silent at the microphone? I don't know, but I'll think about it while we go to a vote on this.

**DeBOER:** One minute.

**M. CAVANAUGH:** And maybe when I have my ten minutes on the next opening, then I'll have a groove. Perhaps by then I'll have a groove. Thank you, Madam President. Call of the house.

**DeBOER:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 8 ayes, 8 nays to go under call.

**DeBOER:** We have a tie vote, so the house is not under call. So the motion before us is whether to adopt the amendment, AM1629 to AM1169. All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 0 ayes, 27 nays, Madam President.

**DeBOER:** The amendment is not adopted. Mr. Clerk for the next item.

**ASSISTANT CLERK:** Next amendment to LB813 is AM1630 is offered by Senator Machaela Cavanaugh.

**DeBOER:** Senator Machaela Cavanaugh, you're welcome to open on your amendment.

**M. CAVANAUGH:** Thank you, Madam President. Colleagues, I am not going to do calls of the house anymore. We're going to switch to a roll call vote. If you're here, you're here. If you're not, you're not. So I guess that's where we're at. OK. AM1630. Section 35, strike Section 35. Whoo, ha ha. Margaret. Section 35 is behavioral health aid, reducing the funds to regions. Like, my staff was being super cheeky. You're going to see if I'm going to vote for this? I'm not going to vote for this, Margaret. The money have not been spent due to problems hiring staff. Any procedure issue transferring funds from the behavioral health service to another like behavioral health to

substance abuse. If you think I don't pay attention to what you're doing, I appreciate your work, Margaret, and I also appreciate that you're being a little cheeky. Don't vote for this, please. Yeah, I guess it would cause a huge hiccup, however, if we-- well, maybe it wouldn't. I don't know. If we strike the funding for behavioral health aid, how does that impact the lawsuit and transferring money out of the funding, the behavioral health aid? I've got some people pondering. I can see it in their minds. I can see the pondering happening. Yeah. So that is one of the things. Yes, we have this money in the behavioral health aid, which we're transferring to, to the General Funds to cover the Wipro lawsuit. And one of the reasons that it was rationalized on the mic to use the behavioral health aid excess funds is because it is a Medicaid program or was for Medicaid, the, the computer system. Behavioral health is only one piece of healthcare. So it's not being disbursed across multiple health that is Medicaid eligible, just one. So that doesn't make sense, first of all, if that's the rationale. And second of all, what evaluation was done as to why that money exists? Why is there excess funds in behavioral health aid? If we have a behavioral health crisis, a mental health crisis in the state, and we have had numerous bills to address the mental health crisis in the state that cost money, why, why would we have \$5.5 million available in excess funds to transfer to the General Funds? Because we have systemically stood by while the agency has systemically undermined healthcare and administration and a duty in the state. DHHS has perpetually put up roadblocks for behavioral health for providers, made it extremely difficult to be a provider in this state. And the Legislature has systemically not funded provider rates. And then we fund the provider rates, but we've made it so difficult to be a provider in this state that the utilization isn't what it should be because of all of that, because of the choices that we have made for years. And now we have \$5.5 million available in behavioral health aid. And instead of protecting that money and forcing the state agency to utilize it to invest in behavioral health, we are shifting it. We are shifting it to pay for a lawsuit, yet another poor procurement on our part. And again, no one in here, no one on this floor is engaging in the conversation. There's no accountability from committee members. So there we go. How much time do I have left, Madam President?

**DeBOER:** 5:45.

**M. CAVANAUGH:** Thank you. OK. I'm on the Martian page 143. Intent language related to behavioral health regions. Honestly, that just is the page I was on. Oh, wait. I'm going to go back to the other page,

Martian page 142. I think this is where I was-- left off last night. So be-- behavioral health-based correction for provider rates funding for the 15 percent provider rates for FY '22-23 was offset from the anticipated \$16,500,000 of the unexpected balance in the program. Unexpected balance correction of \$6,194,049 is included in the appropriation for the next biennium. The remainder of the 15 percent in provider rate increase in the amount of \$10,305,951 were not included, as there is sufficient appropriation within the Division of Behavioral Health Program to finance the additional rate increases. Intent language: It is-- related to behavior health regions. It is the intent of the Legislature that any appropriation to the depend-- Department of Behavioral Health aid and designated as funding to be allocated to the regional behavioral health authorities in behavioral health regions shall be utilized to provide activities pursuant to the approved annual budget of the regional behavioral health authorities or activities identified through demonstrated need. Whenever circumstances occur during the budget year that impact the initial projected regional behavioral health authority budgets, the Director of Behav--l Behavioral Health shall allow for reallocation of funding to accommodate emerging needs identified by the regional behavioral health authorities to maximize the ability of behavioral health regions to implement new behavioral health services and supports. The Director of Behavioral Health shall determine whether to approve the reallocation of funding within 30 days after receiving the payment request. I read this last night. Miraculously, I remember reading this at 8:45 last night. We had a bill on this in HHS. That's part of the reason that I remember it. Medical provider rate increase, 3 percent, 2 percent. I'm guessing that is 3 percent, '23-24 and 2 percent, '24-25. Reduced aid to the Nebraska Opioid Recovery Fund from \$15 million to \$6,500,000 and earmark these funds for this purpose. The appropriation for the Nebraska Opioid Recovery Funds for the next biennium is currently \$15 million. There is not sufficient amounts in the fund to maintain this level of appropriation. Reducing the appropriation to \$6.5 million would allow the fund to remain solvent and maintain a sufficient balance for the future needs. Wow. I got to say, there's one thing I have found so far in the budget that makes sense: reducing the appropriation from the Opioid Recovery Fund to ensure its solvency. Way to go. Well, I guess at least we did one thing. Provider rate increase for CHIP. Federal Medical Assistance Percent or FMAP increase. It's actually not an increase. It's a decrease. ARPA base annualization. ARPA reappropriation. The \$24 million federal fund ARPA appropriation is as follows: \$4 million for childcare capacity. The purpose of this is to contract with a

statewide nonprofit organization that supports children and families to increase childcare capacity in areas of need by providing grants to expand and start childcare programs for children from birth through age-- through age-- through five years of age. \$20 million for food assistance grants to nonprofit organizations. The intent of this project is \$17.5 million be awarded to nonprofit organizations that focus on food distribution in ten or more counties in the state and qualify for The Emergency Food Assistance Program, or TEFAP, administered by the U.S. Department of Agriculture. The remaining \$2,500,000 is to be--

**DeBOER:** One minute.

**M. CAVANAUGH:** --awarded for a region-- regional or local capacity in food security innovations. By the way, I very much support giving money to food distributions across the state. But if we really care about sustainability, self-sufficiency, we would increase eligibility to SNAP. That not only allows people to go to the store and pick out the food that is best for their family and nutritional needs, it also infuses more money into the economy. Whenever somebody goes to a food pantry instead of a grocery store, we are harming the grocer economy. But that's just a fiscal conservative in me, I guess. I think I'm about out of time, so I will get back in the queue. Thank you, Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam President. I want to continue the thoughts I was sharing about LB88, which is a bill I introduced this year to lift the lifetime ban on Supplemental Nutrition Assistance Program eligibility for people who have drug convictions. LB88 would allow these individuals to become eligible for SNAP once they've either completed their sentence or are serving a term of parole, probation, or post-release supervision. When people are reentering society after time in a correctional facility, their first and most basic human need is food. For many people, it takes time to get established with housing, a career, and to start rebuilding a productive life. None of that can happen for a person if they're going hungry. This bill has been brought many times and I will continue to bring it until either it's passed or my time in this body is over. In 2022, my bill, LB121, which mirrors this bill exactly, LB88, which is this year's bill, it failed on a cloture vote on Select File, which was basically in retaliation for me filibustering other measures that year as we are

this year. And the leaders in that filibuster spent a lot of time just reading articles that didn't speak to the substance of the bill. So the reason that bill failed was kind of like a political tit for tat, not because it was a bad policy. And I think a lot of us have some knowledge around the arguments of this bill. And I think that perhaps in the future it would be good for a conservative to introduce it. During the hearing this year, Senator Ben Hansen stated, I don't want to misquote him. I can look up the transcript, I suppose, but he in a roundabout way stated support for it and a little bit of surprise that it hadn't passed already. And I said, well, maybe you should introduce it next year and then it will pass, no problem. And everyone laughed a little bit uncomfortably because we know that's the truth. We know that that's exactly right. If Senator Geist was still here, she introduced a bill that I've introduced several times to decrease regulations for interior designers who are seeking licensure. And we all know that if she was still here, that bill would pass, too, just because of the introducer. But when we talk about SNAP and the way it affects people who are coming out of incarceration, especially when we're talking about building a new prison under this budget, these types of reforms and criminal justice changes, unless we implement those, building a new prison just to put people in, just to put people away and lock the-- lock the door and throw away the key and forget about them, we are never going to be able to build our way out of this crisis. In terms of the SNAP ban, it's selectively moralistic. It's incongruent when we consider that we don't apply this type of ban for any other type of crime. The state doesn't impose this type of ban on SNAP eligibility for any other kind of conviction. That means that Nebraskans who have committed the most horrific types of crime we can imagine, none of those people are banned from SNAP just because of their felony conviction. It's just the people who are involved in possession, use, or distribution of drugs that can't get government assistance with food, and there's no limitation on that. So in the hearing, we heard about people who had received these convictions in the '90s and they still couldn't receive assistance and had never reoffended and never had any other trouble with the law since then. The truth of the matter is it's not really arbitrary because this policy has racist roots in the war on drugs and systems designed to incarcerate, segregate, and punish people of color who are more often cited and convicted for drug crimes in our state--

**DeBOER:** One minute.

**HUNT:** --in our country than any other group of people. We know that black and brown people have been historically and are presently

disproportionately harmed by policies like this one. We know that they're more likely to be arrested, convicted, and incarcerated for drug crimes than white people who commit those same crimes. And they also face more food insecurity. So this is one free, tangible, serious way that we can help correct some of these historic wrongs against these people in our communities and impact the budget in terms of funding for more prisons or future carceral systems. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam Chair. I-- I've been talking about this, well, at least over a week, and I keep saying I'm going to come back to it. I'm going to come back to it. I'm coming back to it. The Oxford comma and how it pertains or is incorporated into or viewed in the Chicago style of writing. I'll get better. It's going to be more than one time on the mic. OK. Let me start out by saying, I think I have been remiss in how I've been discussing the Oxford comma, because the Oxford comma is actually-- when I say Oxford comma, what I mean is the serial comma. Oxford comma is much more than just a serial comma. It's also other placements of commas in citations. And I've been-- I've been lackadaisical in how I have been discussing the Oxford comma, because I have really been complaining. Yes, the serial comma is an Oxford comma, but there's more than one Oxford comma. It's the Oxford utilization of the comma. So first of all, Nebraska, I apologize. I should have been more purposeful in how I was discussing this. Now, before I dig into the Oxford comma and the Chicago style versus the AP style and the utilization of the Oxford comma or the serial comma or both, I want to tell you how this came up today. So I have three amendments pending and, and, and I had inquired about the motion to reconsider the vote on amendments. And we're unclear as to whether or not I can reconsider a vote on an amendment when it is a Speaker's major proposal. So I thought, OK, that's fine. I don't need to do that. I can just write more floor amendments, no problem. So I've got one drafted and it is to strike Section 1. And as I was looking at Section 1 of this amendment, I started thinking to myself, this reminds me of another time that I sought to strike a similar section and how I tied it to the Oxford comma, which is really the serial comma. And that led me to think I have not revisited the Chicago style, AP style, Oxford comma, serial comma conversation. So here we are. I told you, it takes a while to find your groove. And here I am. I should-- always lean on your strengths. My love of discussing this Oxford serial comma is just how I should have started

my day. It makes me much happier than thinking about I have to exist in the same space as many of you. So that's really just how I should start my day from now on. OK. So for those just tuning in to Nebraska Public Media, I have a love of the Oxford serial comma. Is it a serial? It's a serial Oxford comma, or is it the Oxford serial comma? I have a feeling we will get to the end of that-- get into that by the end of today. OK. So its generic name-- this is from the website called Camos [PHONETIC] C-M-O-S Shop Talk from-- oh, it's COMS is the shorthand of Chicago--

**DeBOER:** One minute.

**M. CAVANAUGH:** --Manual of Style. OK. Shop Talk on the Chicago Manual of Style. How I didn't know this website ever existed before right now, I don't know, but I'm very excited about it. And the subject or the headline is Oxford actual comma, Chicago comma, and the serial comma-- ah, they used the serial comma in the headline. Interesting. Is that because it provided much needed clarification for the-- what the headline is, or are they just serial comma enthusiasts? Let's find out. What's in a name? Its generic name is the serial or series comma, but many people know it as the fancy-- by a fancier name, Oxford comma. The serial comma is the one before "and" comma, "or" comma, or nor at the end of a series--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** However comma, you're next in the queue and this is your last opportunity.

**M. CAVANAUGH:** Thank you so much, Madam President. You are appreciated. --at the end of a series of three or more items. It's the comma after B in A, B, and C-- A, B, and C and comma, incidentally, comma, the comma after the first or in the previous sentence. OK. Most book publishers and their editors swear by it and CMOS requires it. By clearly demarcating the last two items in a series, the serial comma adds precision. Yes, that's why I like it too, precision. Many journalists, on the other hand, will tell you it's rarely necessary. The Associated Press stylebook says the use is-- to use it only in cases where its absence might lead to ambiguity. Yes, this is the conversation, colleagues, when are you a loyalist or only when it's necessary? I like to be consistent. Just use the serial comma. The only reason you would not use the serial comma is if it caused



confusion. Like it's confusing to use it. So I'm leaving it out. But it's never confusing to use the serial comma. The whole point of the serial comma is clarity. Therefore, you all know my position on this. I'm a fan of the Oxford serial comma, but let me get back to the Chicago Manual of Style or CMOS, Camos, Camos [PHONETIC]. I don't know how to pronounce the, the letters. OK. Oxford is the oldest university in the English speaking world and has the second oldest university press after Cambridge. Both presses trace their founding to the 16th century. The University of Chicago Press, by comparison, was founded in 1890. But the deciding factor is that Oxford University Press, like Chicago, has long published a major and influential style guide. This guide began in 1893 as a set of in-house rules for compose-- compositors and readers by Horace Hart, first officially published in 1904. It has been thoroughly been through-- not thoroughly, it has been through many editions since. The latest successor to the original set of rules is New Hart's Rules: The Oxford Style Guide from 2014. The New Hart's Rules, which carries the title serial comma, acknowledges the name Oxford comma, but doesn't claim to have an monopoly on the style. The presence or lack of comma before and or or in the last of three or more items is the subject of much debate. Such a comma is known as a serial comma. For a century, it has been part of Oxford University Press style to retain and impose the last comma consistently to the extent that the convention has also come to be called the Oxford comma. However, this style is also used by many publishers, both in the UK and elsewhere. Hart's rule book wasn't always so explicit. A comma by any other name. Early editions to Hart's Rules didn't mention the serial comma at all and didn't even specify that it must be used. As of March 1902, for example, when the 13th Edition of Oxford's In House Guide was produced, the advice related to commas consisted of a mere ten lines-- a mere ten lines' guidance on the--

**DeBOER:** One minute.

**M. CAVANAUGH:** --use of a comma. How many lines are sufficient? Apparently ten is not enough. A mere ten lines at the beginning of section-- of a section on punctuation, page 22, commas to be ruled as inserted between adjectives preceding and qualifying sub-- substantive as an enterprising, ambitious man; a gentle, amiable, harmless creature; a cold, damp, badly lit room. But where the last adjective is in closer relation to the substantive than the preceding ones, omit the comma as a disgruntled foreigner-- foreign author. All right. I think I'm about out of time. Thank you so much, Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam Chair. Typically here, as we're working on our own things, we're working on stuff on our regular lives too. I'm, I'm working on Mother's Day promotions for my store. That's my real job in Omaha. When you own, like, a card store, this is, like, showtime. This is like the Super Bowl of the year, Mother's Day. People are looking for cards and things to gift their moms and the moms in their lives. And also this weekend in Benson, my neighborhood, there are going to be a lot of garage sales. Next weekend, May 13, the garage sales are in the Dundee neighborhood, and I'm kind of right between both of them. So I'm going to participate in the Dundee one because I saw it first and I heard about it first. But I'm kind of-- it's Friday today, which is wild, but I'm trying to figure out if I can get my things together for a garage sale tomorrow, at least participate a little bit in the-- in the Benson one. But one of the things that we can collect things for in this garage sale is the Metropolitan Community College's 180 Reentry Assistance Program. And I found out about this initially many, many years ago from my friend Dominique Morgan, who is a trans woman, an amazing activist. She's formerly incarcerated and was in solitary confinement for a long time in the State Penitentiary and has become an advocate for incarcerated people. And I found out from her many years ago about Metro Community College's reentry program. They, well, I can-- I can talk about it here. It says currently serves incarcerated individuals leaving jail, prison, and treatment centers and people involved with problem-solving courts. 180 Reentry Assistance Program provides services and support to help these populations make successful transitions to achieve their educational and employment goals. And some of the services they provide are skills and interest assessments; career and educational goal setting; work readiness and life skills training; registration assistance; financial aid and scholarship application support; continuous coaching, tutoring, and mentoring; employment support, including resume creation, job referrals and ongoing support; transition support for people leaving jail, prison, and treatment facilities; wraparound services and referrals and support to community partners; and what I'm thinking about, which is access to the Reentry Pantry and Resource Center, which includes food, hygiene, clothing, SNAP application assistance, birth certificate and ID acquisition, special needs, etcetera, things like that. And what Dominique Morgan told me about many years ago is when you're getting your stuff together for a garage sale, my people in Dundee and Benson, who I know are doing that right

now, if there's anything that you can donate to the Reentry Assistance Program, it would be really, really awesome to do that. And maybe you can set aside a separate pile of things to bring to them at Metro Community College, Fort Omaha campus. Or maybe after your garage sale, you can see what's left and bring that to donate. Toiletries are great. I have a whole bunch of, you know, lotions and face wash and things that I either got as samples from buying other products and didn't use and didn't open or things that I got from hotels. I always take the toiletries and amenities from hotels and then donate them either to the Siena Francis House or to this reentry program. And these are just great things that you probably have under your sink that's just full or in a hall closet somewhere.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. Or if you have a, you know, I've had a size evolution, as I call it. And as many of my-- many people on social media like to remind me how my size has changed since I got elected. But when I was elected, I went to the Dillard's outlet in Southroads Mall, which isn't there anymore, but I got all these like blazers and stuff because I felt like I had to get in drag myself in order to do this job, and I needed to get some suits or something, which now, today I don't own any suits. But I did buy some when I got elected because I thought I better dress that way for some reason and I don't feel that way anymore. But when I learned about this program from Dominique Morgan, I got all these clothes together that don't fit me anymore, that are awesome for interviews, awesome for going to professional job application--

**DeBOER:** Time, Senator, and you're next in the queue.

**HUNT:** Thank you, Madam Chair. That's kind of the type of stuff that they really need, is things that formerly incarcerated people can wear to job applications, can wear to work. And these are some of the most annoying things to have to buy because they are expensive. When I got elected, I was annoyed by-- and I shouldn't have even done this. This is on me. This isn't on, like, the system or anything like that. I wanted to get in political drag and come here every day and feel like I fit in. And so I probably spent, I mean, several hundred dollars on just a new wardrobe for this job. And that's-- that was hard for me to do. So think about the people who are transitioning from correctional centers. This is women and men all over Nebraska who people in this body say, well, the reason we can't expand SNAP assistance, the reason we can't give these kinds of services to formerly incarcerated people

is because they need to pull themselves up by their bootstraps. They need to get a job. They need to provide for themselves if they want to retransition into society so badly. And they need to do that without reoffending. They need to do it without doing survival sex work or drug, you know, crimes and things like this that people do out of desperation and necessity. But in order for them to get these jobs, what are they supposed to wear? If they can get their hands on something that's professional and good and it doesn't fit them or it's not, you know, culturally appropriate or it's not appropriate for the job that they're going to, that's not going to help them. So those of you in my community and in District 8 and surrounding areas, if you are getting things together for a garage sale, doing your spring cleaning right now, it's a good idea to look through some of your professional wardrobe. You got slacks, you got scarves, you got blazers, button-ups, things like that and get, get a pile of that stuff together and take it to the Metropolitan Community College 180 Reentry Assistance Program. Even these people, you can donate them to a thrift store. But with our public transportation infrastructure in Nebraska, it can be hard to get to a thrift store. Or you have to also have money to pay for those kinds of things. But with the Reentry Assistance Program, you can get what you need for free to get back on your feet, to go apply for some jobs, to have a couple options that are actually cute that you like that fit your own personal style so that you feel your best and you feel like you're ready for this job. When I came into this new job, this is the first new job I'd had in a long time. This is the first time in a long time I've also ever had a boss. Now I have 46,000 bosses in my district. And I really wanted to look the part. I really wanted to dress right and impress everybody and come off as authoritative and serious. And people who are transitioning out of incarceration feel exactly the same way. They want to fit in. They don't want to look like they don't belong. So if you have materials and things you can donate to the Reentry Assistance Program, that would be a giant help for these people. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Senator Aguilar would like to announce 48 fourth graders from Dodge Elementary in Grand-- and Grand Island Elementary. Please stand, students, and be recognized by your Nebraska Legislature. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on your amendment.

**M. CAVANAUGH:** Thank you, Madam President. Thank you, Senator Hunt, for talking about great ways to help support other Nebraskans. I, I used to have suits back when I was in my twenties, and then I got rid of

them all because, well, I hated wearing suits. And when I started here, I still didn't even wear blazers. I didn't go out and get any blazers. I didn't wear blazers. I wear them more now, partially because I get cold. And also because my sister said she didn't like seeing me wear sweaters. So she told me I needed to wear a blazer instead of a sweater. And so I went to Goodwill, and that's where I get most of my blazers. Or my dear friend Denise goes to Goodwill, for me and gets me blazers or my mom does. So that's usually where I get a lot of my clothes, actually. Or a thrift store. There's other, there's other thrift stores, but I actually live near-- there's a fairly large Goodwill near my house, so that's where I go. Yeah, so when I was in my twenties, I wore suits and I know there's someone in the body today who's celebrating another birthday in their twenties, so just want to take a moment to say happy birthday to Senator Beau Ballard, who I think is still in his twenties. Happy birthday, Senator Ballard. And I see you're still wearing a suit. Must be a thing you do in your twenties. Quite the birthday week, Senator Slama, Senator Ballard week, wow. We are-- celebration. Senator Slama, was-- your birthday was this-- Yes, I'm like that feels like a million years ago. It was Tuesday. Senator Slama's birthday was Tuesday. Senator Ballard's birthday is Friday. And they both have had, in addition to being May babies, you both have had the honor of being the chair of E&R. So pretty awesome. Happy birthday, Senator Ballard. I hope you have a great one, and you get away from here early. Yeah. So I-- I was talking about the comma. Lost track. And I know that Senator Ballard is a huge comma enthusiast. He's got lots of thoughts and feelings on it. So partially as a birthday gift to him as well-- I'm kidding. I have no idea if Senator Ballard thinks about commas as much as I do. But I'm gonna, in my head I'm just going to pretend that this is something that is, is really exciting for him for his birthday, to hear more about commas. Oh, my gosh. I lost my page. Please hold while the comma story comes back. Here we go. OK, this is from the Chicago Manual of Style for-- and talking about commas. So let's see here. Note that it wasn't Oxford style to use the serial comma, as it appears-- as its appearance elsewhere in the guide shows. For example, in the phrase, quote, Baptists, comma, Christian, comma, nonconformist, comma, Presbyterian, comma, Puritan, comma, and other denominational terms, end quote. I like that that example listed off so many different things instead of just 3. They didn't do the normal, like in an example, when you're talking about the comma and the use of the comma, you do just 3. They did Baptists, Christian, Nonconformist, Presbyterian, Puritan, and other. 6. There were 6 thing-- items for

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that serial comma. In published books, at least in English, back as that-- then as now--

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you. --the serial comma was common and for Hart's limited edition-- limited aus-- audience or edition-- limited audience of compos-- composers-- composisters? Whew, I'm having a tough time reading this morning. And readers at Oxford U.P. it went without saying. The birth of the Oxford comma is next, but I think we're going to have to save that for my next opening. Thank you, Madam President.

**DeBOER:** Thank you. Senator Machaela Cavanaugh. The question before the body is shall the amendment to the committee amendment to LB813 be adopted? All those in favor vote aye; those opposed vote nay. Have all those voted who would care to? Record, Mr. Clerk.

**CLERK:** 2 ayes, 21 nays, Madam President, on adoption of the amendment.

**DeBOER:** The amendment is not adopted. Mr. Clerk, for the next item.

**CLERK:** Some items, quickly, Madam President. New LR's. LR 30 from Senator Ballard. Senator L-- that will be referred to the Executive Board. LR31 For Senator Hughes, that will be laid over. And LR132 from Senator Blood, that will be referred to the Executive Board. Concerning LB813, Madam President, Senator Cavanaugh would move to amend with AM1631.

**DeBOER:** Senator Machaela Cavanaugh, you are welcome to open on Amendment 1631.

**M. CAVANAUGH:** Thank you, Madam President. I just heard that Senator Ballard had an LR. Senator Ballard, you don't typically put in an LR for your own birthday, but you let somebody else do that. Sorry, I'll stop teasing Senator Ballard on his birthday. AM1631, strike Section 39 Federal Coronavirus funds, \$69,800 [SIC] FY 2122. Change from previous \$249 million, reduces funds for provisions of LB1024. Again, I mean, I guess vote for it if you want to. I won't vote for it, but-- what? Come a little closer so I can hear what you said. Oh, it's it's unclear. Is, is the, the notes I'm receiving, unclear what that does. Well, that's fine. I'm sure it'll get 25 votes regardless, so. All right, back to the comma. I was on the birth of Oxford's comma. Oh, I've got to get in the queue, one sec. Birth of Oxford's comma. By March 1904, Hart's Rules for Com-- Compo-- Compos-- I keep wanting to say composers-- Compisisters-- Compassisters and Readers, now in its

15th edition, had gone into publication, which meant it was offered for sale by-- to the general public. Whoa, that's exciting. In 1904, the general public could learn about commas. By July of the year, it was already into its 18th edition, or fourth for publication. The first ten lines of advice on comma in July 20-- July 1904, 18th edition, were a verbatim reply of the advice and examples quoted above from the unpublished March 1902 13th edition. Added since then was a concluding sentence advising the use of commas to set off quote, such words as moreover, comma, however, comma, and see, end quote. But a lot happened between the summers of 1904 and 1905. Do tell, what happened between the summers of 1904 and 1905? Sounds kind of saucy. In July 1905, the 19th edition, fifth for publication, appeared. According to the preface, the section on punctuation had been remodeled for a new edition. Among the upgrades, the comma now merited its own subsection. And the thing we've all been waiting for, there was a brand new example featuring the serial comma. I don't know who wrote this, but I am in love with this person. Whoever wrote this for this website is like speaking my comma love language. The thing we've all been waiting for. There was a brand new example featuring the serial comma. Page 37. Note the line space before the final example present in the original. The comma. Period. Commas should, comma, as a rule, comma, be inserted between adjectives preceding and qualifying substantives, comma, as, dash, an enterprising, comma, ambitious man, period. A gentle, comma, amiable, comma, harmless creature, period. A cold, comma, damp, comma, badly lit room, period. Peter was a wise, comma, holy, comma, and energetic man, period. A numbered footnote to that example. Dash, quote, Peter was a wise comma, holy, comma, and energetic man, end quote. Dash tells us that it's taken a-- it's, it's a, it's taken from Spelling and Punctuation by Henry Bud-- Bennel [Phonetic], published by Wyman in 1880, though Hart doesn't specify the year, a source that Hart recommends in an expanded introduction to the section on punctuation. It's probably best, comma, however, comma, that this little detail is lost to history. Oh, now this sounds controversial. Why is it best that this detail is lost to history? Bennel, comma, who, like Hart, was a printer, comma, did argue for the serial comma, semicolon. His Guide to Typography, 1859 included a thorough defense of it. See Point 1, Rule 5 on page 119-120. See also Rule 7 on page 120-22 in which the, quote, wise, comma, holy, comma, and energetic, quote, example makes an early appearance at the top of page 121. But Bennel, co-- Bennell comma doesn't have the same ring to it as Oxford comma. So mark your historical calendars, July 1905, birth of the Oxford comma. I wonder what the exact date, because my son's birthday is in July. Maybe my son was born on the same day as



the birth of the Oxford comma. That would be, that would be pretty awesome. I'd be pretty excited about that. But then I'd be disappointed that I didn't name him Oxford or comma. I'm just kidding. I mean, he's young enough, probably could change his name. He's not yet 5. I'll, I'll workshop it this weekend. Barrett, what do you think about going by the name either Oxford or comma? I'll, I'll report back next week, what he says. He might be game for it. He's not so much into grammar, but he does very much love the series of books about different animals and who would win a fight. And they're fascinating and gross. And it's like a shark versus an octopus. And it'll, like, it's, it'll talk about the different, like, defense mechanisms of the shark and the speed that it can swim, what it eats, the different features of its teeth. And then the same thing about the octopus. And then at the end, it narrates a battle between the 2. And talking about the octopus uses its suckers. And I'm not-- I don't, I don't know if that's actually one of them or not. But it'll narrate the fight and incorporate in all the information that you learned about the 2 different animals, species, whatever, as to who would ultimately win a fight. And he loves them. We get them from the Omaha Public Library, and there's a huge series of these. And he loves to take these books, whenever he gets a new one from the library, he loves to take it for show and share to school. And then his teacher very nicely will read the battle stories to the classmates. Oh, we do-- some of them can be kind of gross, so we have to be careful about which ones we actually send to preschool. But, but they are fascinating, and a fun way to learn about different animals. I've certainly learned a lot of things about a lot of animals in the process, and I am very much trying to get over my like, ewwww over, like, insects because he loves books about insects. And I like, don't even like to look at insects, but I'm always reading to him about insects. Not always. I'm never there. I'm here. When I'm not here, I am reading to him about insects. And I'm looking forward to getting to do that tonight. I probably will read one of these battle books tonight, as a matter of fact. OK. So that tangent about my son, who's because the Oxford comma was born in July of ni--, the birth of the Oxford comma, July 1905. My son was also born in July, not 1905. About 113 years later.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you, Madam President. Chicago, the Second City. Meanwhile, in the 1890s, the University of Chicago Press had been busy devising its own set of in-house rules along the same timeline as Oxford's, but an ocean and a half co--- and a half continent away. As at Oxford, what started as a style sheet soon grew into a book today

known as, you guessed it, the Chicago Manual of Style, now in its 17th ed-- edition, I'm going to skip down, because I-- no, I'll, I'll come back to it, OK. The very first edition of the manual, published in 1906, included a seven and a half page section on the Comma. Hart's 1905 edition covered the subject in a page and a half. Whew. Well, what a throw down shade that is. Seven and a half pages, they were much more thorough than the Oxford--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Thank you. Machaela Cavanaugh. And you are next in the queue.

**M. CAVANAUGH:** Thank you, Madam President Wendy DeBoer. The serial comma was subject of paragraph 130, page 46 to 47, which opened as follows: Put a comma before, quote, and, or, and nor, connecting the last two links in a sentence of three or more. And, or, and nor collecting-- connecting a sentence of three or more. Tom, comma, Dick, and Harry. Either, comma, cop-- either copper, comma, silver, comma, or gold. More than 100 years later, it's still the rule. In Chica-- Chicago in 1906 was famous as the Second City in the United States, yet it was home to what was then a mere fledgling institution and university press. And it was a year too late to claim the name. So that's where I was going to go, because it's Chicago, the Second City. And I was like, how did Chicago get that name, Second City? It was the second largest city in the United States in 1906. I guess that's how it got its name, the Second City. So there's a comedy group in Chicago called Second City, and it's been forever a pipeline to another comedy group called Saturday Night Live, which is in, I suppose, the first city. So Second City has a long history of improv comedy, and many people who perform at Second City have gone on to perform on Saturday Night Live. When I was in college, I studied abroad in the U.K. and we had a break and I got a Eurail train ticket, and I traveled around Europe for a couple of weeks. It was not as glamorous as it might initially sound. I had no money. And so in order to, to save money, save the money I didn't have, I had this month pass where you could just get on and off, basically, all over Europe. Thank you. And, and so it was-- so I would get on and off, but I would also try as often as possible to sleep on the tr-- to be on the train overnight, so I could sleep on the train, because I didn't have money to get a place to stay. So it wasn't like-- wasn't super glamorous. Any who, my cousin was working for Second City at that time. And so Second City had their, their main stage in Chicago, and then they had traveling

groups, and she worked for one of the traveling groups, performed with one of the traveling groups. And they just happened to be performing in Europe, in Vienna. So I scheduled my trip, my train trip, to be in Vienna when Second City performed. Couple of benefits, first of all, it was really awesome. Got to see my cousin perform in main stage in Vienna. Super cool. Also, she had a hotel room that her work was paying for, so I didn't have to sleep on the floor of a train that night. Also super cool. But then the next day, after the performance, there was like an amusement park in Vienna, and we went to it. And this is before social media exists. Digital cameras did not exist. Everything was film, old school. And I have a photo somewhere at this amusement park in Vienna with my cousin and this second City troupe. And like half of them are super famous now. And I didn't know, like didn't know who any of them were at the time. But that's my fun, fun little story. Anyways. Second City, Chicago, second largest city. I'm wondering now if my son was--

**DeBOER:** One minute.

**M. CAVANAUGH:** --born on the birth of the Oxford comma. So. OK. The closest Cambridge equivalent to Hart's guide is the excellent Copy Editing, the Cambridge handbook by Judith Butcher, published-- first published in 1975. You'll find a serial comma on the opening page of the 1611 first edition of King James Bible. That seems like just a random fun fact, but OK. Anybody got the King James Bible opening page of the 1611 edition? There is a serial comma. Oh, here it is. Grace, comma, mercy, comma, and peace. The serial comma also evident in many novels of the era, from Henry Fielding's Tom Jones, 1749, to Jane Austen's Pride and Prejudice. I love Jane Austen.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. I am here today not to discuss Senator Cavanaugh's amendment, but as Chairman of the Banking Committee, I would be remiss not to mention 2 birthdays on the Banking Committee today. Senator Bostar has his birthday today, he's turning 36, along with Senator Ballard, who is turning 20. So join me in giving them a hand because it's both their birthdays today. Thank you, Madam President.

**DeBOER:** Thank you, Senator Slama. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. I like the alliteration of those birthdays. The Bostar, Ballard Banking Birthdays. Happy birthday, gentlemen. Okay. Hart's Rules went through four editions in 1904. Madam President, is this my last time before my close?

**DeBOER:** It is.

**M. CAVANAUGH:** Thank you so much. Hart's Rules went through four editions in 1904, 2 in April alone. Printers worked fast in those days. Though these early editions were relatively small (the 18th came in under 80 pages), the 19th would be-- would add ten more. I wonder how many pages it is today. That I think brings me to the conclusion of this article. So what did we learn? I don't know what any of you learned. Oh, okay. This was written by, I was saying that I was obsessed with whoever wrote this, Russell Harper wrote this for the CMOS Shop Talk from the Chicago Manual of Style. I first of all, love that they have a Shop Talk, and I kind of want to see, like, are there more articles? There are. What? How did I not know this existed? I.e., e.g., etcetera. Oh my God. Everybody, this is going to be oh like-- this is like another week's worth of conversation here. I always get confused about the i.e. and e.g., and here is a spotlight on i.e., and e.g., and etcetera, or etc. Interestingly, i.e. stands for something, e.g. stands for something, and etc. stands for something. But for some reason I only say the etc., which is etcetera. So, Latin may be a dead language, but many of its words and phrases flourish in modern English. The most common Latin borrowing-- borrowing might be an abbreviation. The all purpose etc., short for etcetera, "and others of the same kind." The list of scholarly abbreviations at CMOS 10.42. Oh, it's a link. I just clicked on it, but I'll come back to it later. Includes about 50 Latin abbreviations from a-- no, ab init., ab, space, init., which is ab initio, from the beginning. I feel like, this is not intentional, but I may possibly be egging the other Senator Cavanaugh into getting on the microphone for conversation, because I believe that he actually does know some Latin. I do not know any Latin except for apparently, et cetera. Semper fi, I know that. E pluribus unum? I know that. But that's about it. OK, so then there's to viz, v-i-z, which is videlicet, namely. Huh. Many of these are found mainly, or viz. in order-- in older sources. I'm sure that's not how you're supposed to use viz-- in older sources, but are listed for the benefit of historians and other researchers. Others, like etc.,

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remain in common use. These include i.e. which is id est, that is, and e.g. (exempli gratia, for example). So e.g. --

**DeBOER:** One minute.

**M. CAVANAUGH:** --and i.e. I think that they are not always used correctly. I'm certain that I do not always use them correctly. I think that I, at times, have forgotten the difference between the two and conflated them, and I apologize for that. I will work to do better. Now that I am reading up on them, I will work to do better on my i.e, e.g. utilization, much like I will work to do better to call it the serial comma, or the Oxford serial comma, not just the Oxford comma, so that we have clarity on what we are talking about. Okay, so, which are almost as common as etc., but because i.e. and e.g. can both introduce examples, people tend to mix them up. Like this gal. Another common mistake is a pair e.g.-- is to pair e.g. with etc.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Seeing no one else in the queue, Senator Machaela Cavanaugh, you're welcome to close on AM1631.

**M. CAVANAUGH:** Thank you. Read on to find out more. Well, I think I shall. Thank you very much. Specific versus general. In Chicago style, the abbreviation i.e.-- the abbreviations i.e. and e.g. are always spelled with periods (i, period, e, period, and e, period, g, period. And they are always followed by a comma. In formal prose, their use is limited to parentheses, notes and tables. Outside of those contexts they are usually spelled out (but in English). See C-- CMOS-- OK, the abbreviation i, period, e, period - as its meaning of-- as its meaning of "that is" would imply -introduces a specific explanation or clarification of the text that immediately precedes it. Here is the example: When the singular form of a noun ending in "s" is the same as the plural parentheses, i.e. the plural is uninflected, end parentheses, the both possessives-- the possessives of both are formed by the addition of an apostrophe only. When a quotation is introduced by an independent clause, i.e., a grammatically complete sentence, a colon should be used. Sometimes the clarification will consist of one or more examples. Before entering the room, we were asked to turn over any items that might be attracted to a magnet, i.e. jewelry, keys and anything else with metal. The abbreviation e.g., on the other hand, always introduces one or more examples (as its meaning, "for example"

suggests). Unlike items introduced by i.e. those examples provide a general open-ended illustration rather than a more specific clarification. The title of larger works (e.g., books, journals) are usually italicized, whereas titles of smaller works (e.g. chapters, articles) are presented in roman and enclosed in quotation marks. The index entries use an en dash rather than a hyphen in inclusive page numbers. Oof the en dash hyphen conversation again. That's a that's another one to dig in on, colleagues. We got, we got the abbreviation, the Latin abbreviations, we've got the en dash, hyphen conversation. What about the middle dash or the long dash? We get-- we could do an entire 90 day session on discerning what dash to use when. I truly believe that. We won't, God willing. But we could. OK. How much time?

**DeBOER:** 2:05.

**M. CAVANAUGH:** Thank you. Use etc. OK. Now I've been saying etc. I'm like stopping myself because when I see etc., I want to say etcetera. But since I am talking about the abbreviations, I am trying to have fidelity and consistency. So use etc. with i.e. maybe, but not with e.g.. OK. The best way to remember whether etc. should be used with i.e. or e.g. is not to use it at all. That's because it should never be used with e.g. and it would only rarely be used-- be a good choice with i.e. For example, you might be tempted to use etc. in the magnet example from the previous section: Before entering the room we are asked to turn over any items that might be attracted to a magnet (i.e. jewelry, keys, etc.). But the original wording--

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you Madam President. But the original wording ("and anything else with metal") is better because it's more specific than etc. If you want to keep things general, use e.g. and limit what follows to 2 examples without tacking on an etcetera, etc. Before entering the room, we were asked to turn over keys-- any items that might be attracted to a magnet (e.g. jewelry and keys), for example jewelry and keys, not e.g. jewelry, keys, etc.. It's understandable that you'd want to add an etc. that follows e.g. but resist the urge. Colleagues, resist the urge. Nebraska, resist the urge to add an etc. following examples after e.g. It is not grammatically correct. The words, for example--.

**DeBOER:** Thank you, Senator.

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**M. CAVANAUGH:** Thank you, Madam [MICROPHONE MALFUNCTION]. Call the house.

**DeBOER:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 9 ayes, 7 nays, Madam President, to place the house under call.

**DeBOER:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. The house is under call. Senator Dorn, Raybould, Conrad, Fredrickson, Armendariz, Bostelman, Ibach, Wayne, Erdman, Sanders, and Hansen, please return to the Chamber. The house is under call. Senators Raybould, Conrad, Fredrickson, Armendariz, Ibach, Wayne, Erdman, the house is under call. Senators Raybould, Conrad, Armendariz, Ibach, please return to the Chamber. The house is under call. Senators Raybould and Armendariz, please return to the Chamber. The house is under call. All unexcused senators are present. The question is the adoption of AM1631 to the committee amendments for LB813. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 0 ayes, 29 nays, Madam President, on adoption of the amendment.

**DeBOER:** The amendment is not adopted. Mr. Clerk, for the next item. I raise the call.

**CLERK:** Madam President. Next amendment concerning LB813, AM1632 offered by Senator Machaela Cavanaugh.

**DeBOER:** Senator Machaela Cavanaugh, you're recognized to open on AM1632.

**M. CAVANAUGH:** Thank you, Madam President. This is my last one? It is, OK. I have a floor amendment, so that's fine. AM1632 strikes intent language to reappropriate federal coronavirus funds in the Department of Economic Development. On page 18 line-- strike lines 17 through 19. See what that does. All right, page 18. Doo doo doo doo doo. This is my hold music. Doo doo doo doo doo doo dah dah dah. Doo doo doo doo doo. Page 18. No. Oh, OK. Page 18 of AM1169, gonna strike lines 17 through 19. OK. It's the intent of the Legislature that the unexpended balance of amounts appropriated to this program in this section for FY '22-23, be reappropriated for FY '23-24, and for FY '24-25. And the above section is about the coronavirus funds, so it's probably not a



great idea, but, you know, just giving y'all options to make bad choices. Not that you need my help, but you do that pretty well on your own. OK. Let me get back to Latin. OK. OK. To summarize, use i.e. for clarification, use e.g. for examples, avoid pairing etc. with e.g., and if you're tempted to use etc. with i.e., it's usually best to be more specific. There we go. Versus is another Latin borrowing, abbreviated v, period in the name-- names of court cases, but often vs period in other contexts. I have noticed that. I hadn't really thought about it though. Oh, there's an advertisement for the Chicago manual style coffee mug and skateboard. Skateboard? Wow. That is some real dedication to your Chicago Style Manual. If you are skateboarding. Now, this one doesn't have an author, the i.e. e.g. etc., and it was published in April of this year. So this is like new content. This is cutting edge Latin abbreviation grammar content, folks. I mean, it's as close to real time as you're going to get. OK, So I had clicked on a list of scholarly abbreviations. OK, That's what it was. Oh, that is blocked. You have to have a membership or some login. So. All right. I mean, there is a free trial, but I don't think I'm going to make us all suffer through me signing up for a free trial of the Chicago Manual of Style website. So let's see what other new articles they've got. Chicago Style Workout 75: Spaces and Spacing. Oh, my goodness. OMG, spaces. Let's get into the conversation about how many spaces do you put after a period? Do you put one or do you put 2? Right? I grew up typing, when you type-- I didn't actually grow up typing. I grew up-- I learned cursive and print. You learned printing and cursive, and then eventually I learned typing. But when I learned to type, we put 2 spaces after a period and I am still trying to retrain myself out of that habit. It is a little bit easier because, obviously, when you do, like, social media, when you put-- do a Twitter post, and there's a limited number of characters, using a double space is just like, what kind of luxurious typer are you that you're going to use 2 blank spaces in a Twitter post? Like, you must not have that much to say if you can do that. So I would say that that is one positive thing about social media is that it has helped train me to minimize my utilization of the double space. OK, Chicago Style Workout: Spaces and Spacing. Filling in the blanks. From the blank page to the gaps between words, space is central to what writers and editors do every day. But just because space is empty doesn't mean there's nothing there. Take this month's quiz to test your knowledge of spaces and spacing, and to learn more about this invisible yet important aspect of writing, editing, and publishing. I love this website for so many reasons, but also that they have a monthly quiz. OK. Subscribers? Can I subscribe to this? What? Subscribers to the Chicago Manual of Style

Online may click through the linked sections of the Manual (cited in some of the answers). We-- they also offer a 30 day trial. Okay. Note: style guides sometimes disagree. Except for a few details that can be verified in standard dictionaries and encyclopedias and other readily available sources, the answers in this quiz rely on information in the 17th edissue-- edition of CMOS, or Chicago Manual of Style. First question: How many spaces normally appear between 2 consecutive sentences? One space or 2 space? The space between lines of text known as leading, which rhymes with-- The space between 2 lines of text is known as leading, which rhymes with heading or heating? Reading? Leading? Reading? The main reason to use double space in a printed manuscript is to give editors room to write between the lines, or to make it make the text easier to read. Huh. Honestly, I had never given that thought as to what the reason would be. Okay. The next question. The process of adjusting space between letters is known as justifying or kerning. The space between words varies from line to line in the text that has been justified or kerned. OK. The space between-- Sorry. I don't have a mouse, I'm not great at-- great at using the-- just pad thing. An em space is wider than an en space, which is wider than the average space between words. Which is why-- em is wider than en, which is-- Huh. OK. Next question To prevent Chi-- Chicago style ellipsis, in parentheses, dot dot dot) from breaking over a line, CMOS recommends either using five space periods and setting the font color on the second and fourth periods to white; using a non breaking space before and after the middle period. Interesting. To enhance readability, typesetters may add a thin space between consecutive single and double quotation marks, as is nested in quotations. Type setters may add a thin space. Thin space.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you, Madam President. I don't even know what a thin space would be. A new section is sometimes signaled by extra line space between paragraphs. How should authors indicate such breaks in a manuscript submitted for publication? With two hard returns? With three, three asterisks? OK. And the final question is, according to CMOS, what marks would a proofreader use to show that a space is needed to be inserted (e.g. to change backseat to back space seat? A hashtag? A circle with an S. All right. That's the quiz. There we go. I did terrible on this quiz. I'm not going to tell you the answers that I got because, you know, I don't want to--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** --ruin it for others. Thank you, Madam President.

**DeBOER:** Thank you. Senator Machaela Cavanaugh. You're next in the queue.

**M. CAVANAUGH:** Thank you, Madam President. I don't want to ruin it for others that may want to take this quiz, so I'm not going to-- not going to give the answers. But I will just say my mother will be disappointed in my grade. My mom used to teach grammar. She also used to write for the Omaha World-Herald. She wrote a story about our family life, and it was all lies, because I was a perfect child and I never misbehaved, and everything she ever wrote about me is untrue. I was a delight. OK. Chicago Style Workout 74. Oh, my gosh, there's, like, different-- OK, Chicago Style Workout 74 is scholarly abbreviations. Chicago Style Workout 73 is word processing. Chicago Style Workout 72: Capitalization, Part 2. Man, they've been doing this for a while. They're up to 73 workouts, and we just did workout 75. Oh, they're up to 75 workouts, spaces and spacing. So shall we scholarly abbreviations? We shall. Of course we will. I wonder what this picture is? Probably the university library in Chicago, University of Chicago Library? OK, scholarly abbreviations. Now, we already covered this a little bit with the i.e., the e.g., and the etc.. So some of this may be repeated content, but how will we ever learn without repetition? If you've ever written or edited an article or book on a scholarly subject, you probably know your e.g. from your i.e. and ibid. But especially if you spend time with older sources, you're likely to encounter some abbreviations that haven't entered the vernacular. That's where the table of scholarly abbreviations in CMOS comes in handy. Take the quiz to test your knowledge of this fascinating little corner of academia. Whew. OK, so all of these are going to be different quizzes. I don't think I can handle the quizzes. I mean, I can handle, I can handle taking the quizzes. I don't think it's going to be super interesting for you all to hear me read through the quizzes over and over again. So I am going to continue to dig into this CMOS shoptalk website. I wonder if this is sanctioned by-- like, do they have some sort of affiliation with the Chicago Manual of Style? Probably. But the website is CMOS Shop Talk. Oh, they have cartoons. What? They-- maybe they're not their cartoons. Maybe they just do this. My name is Ellipsis, but everyone calls me dot dot dot. Sorry, I like bad jokes. That was not that funny, but I enjoyed it. My former colleague, Duane and I-- I talked about him before. We used to double proofread documents, which is where you read everything and-- like, everything, every space, every comma, every quotation, every dash, every long dash, medium dash and dash. And he was always really

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good at coming up with punny jokes. So that just made me think of Duayne. We also would do dramatic interpretative readings of Dragons Love Tacos. And before I left that job to come here, we--

**DeBOER:** One minute.

**M. CAVANAUGH:** --we had our taco off, where we had-- our colleagues had to judge which one of us did a better dramatic reading of Dragons love Tacos. I honestly don't remember which one of us won, but probably Dwayne. But I did learn a lot about grammar from him, and-- he's probably not watching the Legislature. But if he is, I hope he's enjoying today's conversation about grammar, because this would really be, like, his jam. I think you said one minute. So, Chicago Style Q&A. Man this-- I'm just like in love with this website. So this all started, if people are like, how did this start? Why is she talking about this Chicago Style? So my love of the Oxford serial comma, the serial comma, the Oxford comma, however you want to call it. From now on, I'm going to call it the Oxford serial comma.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Senator Hunt, you're recognized.

**HUNT:** Thank you. Madam President, I am catching up on the news and I read a story today from May 2 in the Nebraska Examiner, speaking about funding for the prisons and the different problems that we have in our prison system that we are not solving in this Legislature while we work to fund a new prison, knowing that our former, you know, the prison we have now, the State Penitentiary, is not going to be decommissioned, it's not going to be taken down, that we're just building more concrete boxes to put people in, without doing any reforms, without making any changes to our laws, while we also continue to have problems within the prison system, whether that's with programing, or staffing, or literal violence. And this article from the Nebraska Examiner just a few days ago, May 2, 3 days ago. The headline is Watchdog faults prison staff for firing 200 rubber bullets and other projectiles at mentally disturbed inmate. And as you listen to this, think about what we know is going on around the country. You know, the murder of the homeless man on the New York subway a couple of nights ago, and the way we are normalizing violence against people who are not like us, who frighten us, who scare us. And this is something that Senator Kathleen Kauth is, of course, doing, too, with

her LB574 and LB575. And all of these things feed into the same stigma and the same normalization of violence against these groups of people. The article begins, a state prison watchdog is faulting staff at the Tecumseh State Prison for firing about 200 rubber bullets, pepper balls and beanbags at disruptive inmate during a disturbance 2 years ago. In a report released Tuesday. Doug Koebernick, the Inspector General for corrections, said the use of force was excessive and unnecessary in dealing with a mentally ill inmate, with whom prison staff had previous experience. This was a disturbing event, the Inspector General wrote. Although this event took place in 2021, it was important to release it in order to promote accountability within the system and to assist with identifying any possible reforms related to this incident and similar incidents. In January. Diane Sabatka-Rine, then the acting director of state corrections, wrote a formal response, saying that she shared the Inspector General's concern about the mishandling of the disturbance. She said the actions of staff do not represent the mission or values of the department. State prison administrators, Sabatka-Rine said, were not made aware of an earlier incident involving the inmate, in December 2020, and had they been, matters, quote, would have been addressed. Keoberneck, in a 26-page report, said he was unaware of the incident until meeting the inmate, who was covered in welts and bruises, about 2 months afterward in a special management unit cell at Tecumseh. He learned of an earlier excessive force incident involving the inmate in December 2020, in which staff fired more than 100 rounds of rubber bullets, pepper balls and chemical agents in an attempt to bring the inmate under control. December 2020 was rough in our prison system, we know that. The report said, there was a lack of leadership and a violation of policy in the June 2021 incident. And despite the inmate's history of mental illness, there was minimal involvement of mental health staff. 3--

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. Three rubber bullets became lodged under the inmate's skin in the disturbance, which lasted several hours. A mess. I'll continue this on my next time on the mike, because there are also some reforms that are suggested in this piece that we should be looking at before we look at any funding for a new prison. That's why this budget doesn't work for me and why I oppose LB813. Thank you, Madam Chair.

**DeBOER:** Thank you. Senator Hunt. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Madam President. I just wanted to follow on what Senator Hunt was talking about. I did see that article earlier this week, and hadn't had a chance to talk about it yet. And it is an extremely concerning incident in our Department of Corrections. Just the sheer magnitude demonstrates to you how out of line with appropriate conduct it is. 200 shots and then 100 in another incident that was-- neither of which were reported to anyone and were discovered basically by happenstance by the Inspector General. And so this is a good indication of why-- how important the Inspector General's office is to-- for accountability, but for information for our decision making here in the Legislature. And we need to know about these incidences so that we can make sure that they aren't repeated, because, of course, we didn't know about the first incident where this inmate was having a mental health episode and was shot 100 times. And then because there was not-- it was not brought to light and was-- went unaddressed, there was a subsequent incident where he was shot again, that was not reported on or brought to light, and it was discovered by accident, right? And so obviously that discovery by the Inspector General helps prevent future incidences, helps this inmate get their mental health issue maybe addressed in a better way. And then, as Senator Hunt referenced, that suggests reforms that will prevent further issues like this. And so oversight is extremely important. It's very concerning when we try to cover up mistakes and bad acts. And we need to be more conscious of that. And we need to be-- we need to treat the people in our Department of Corrections like people, and we need to make sure that we're addressing their physical health and their mental health needs appropriately. And of course, one of the parts of why the staff in the Department of Corrections felt it was necessary to shoot this gentleman 100 or 200 times with rubber bullets, beanbags and chemical agents is because they felt unsafe, and they felt that it was a risk to the other inmates. And of course, the reason that the risk had presented itself was because this inmate was-- had a mental health issue that was going un-- that was not being treated appropriately. And so making sure we're focusing on availability of health care, mental health care, treatment, programing for inmates helps, of course, with the long term outcome of rehabilitation, but it also helps with just the stability, safety, security of our guards and staff at our facilities, but it helps with the safety and security of the individuals who are being incarcerated. And so that is-- it's incredibly important that we stay on top of these sorts of things. And I appreciate the work of our Inspectors General to bring this to light and all of the other issues that they have brought to light over the years. And we should take-- you know,

every bad incident is obviously-- it's horrible and we should call them out, but we should also look at them as an opportunity to address these-- what the causes of them are. See how we can learn from them and make positive strides as a result of that. So thank you for bringing this issue to light, the Inspector General, and Senator Hunt, for raising it here so we have an opportunity to talk about it. Thank you, Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. I-- Senator John Cavanaugh brought up, and perhaps Senator Hunt did as well, the Inspector General's report. So the Inspector General's report is something that is available to us, and it is sent to the Legislature, but I am having a little difficulty connecting. Just a moment. So I've talked before about resources that are available on the Legislature's website. If you go to the Nebraska Legislature's website, [nebraskalegislature.gov](http://nebraskalegislature.gov), on the left hand side, there is a whole bunch of stuff and there's a dropdown menu, or there's reports dropdown menu, but you can just click on reports. So we've got agency reports, standing committee reports, like special committee, this-- fiscal/budget-- so this is where all the reports are, and I believe this is where you can find Inspector General reports. I am going to look and see here. Under agency reports, there's a link. The Annual Activity, or Annual Report of Activity for NIFA, Nebraska Investment Finance Authority; HHS, Department of, Monthly Medicaid Expansion Report; another NIFA Report on Clean Water/Drinking Water, State Revolving Fund Annual Notice; Highway Commission's Quarterly Report; Monthly Medicaid Expansion Report again. Yeah, OK. Juvenile Room Confinement report. This was filed on April 13 of this year. So Correctional-- Department of Correctional Services. But that is an agency report, so that wouldn't be where the Inspector General report is. Now, I am not sure where that is. It would be on the reports page, but it would be on the reports page, because it is a report to the Legislature. Maybe a standing committee report. Let's see here, we'll go down to Judiciary and see if there's any Judiciary Committee reports. Nope. Those are interim studies, session summaries-- No, and those are all old. Interesting. Okay. Like, I mean, old, old. Like how old old-- older than my time here, like from the early 2000s is when those were there. Performance audits, public counsel reports-- would it be there? Public counsel reports. Let's, let's see. Office of Inspector General Child Welfare. Office of Inspector General of Nebraska Correctional System Reports, Public Counsel Reports. There we go. All righty. So public



counsel reports. That's where you can find the report that Senator John Cavanaugh was talking about, and Senator Hunt was talking about. So at the very top of the Inspector General of the Nebraska Correctional System Reports 2023, Use of Force Incident at Tecumseh State Correctional Institution. I'm going to go out on a limb and guess that that's what they were referencing. So this is a 33 page report, and it was filed on May 2nd. So the sweep. Use of Force Incident at Tecumseh State Correctional Institution. Now, I do believe whenever these reports are filed that it is actually read into the record that the report is filed. So if you pay attention very closely when the clerk speaks, you'll find out when things like this happen, or if you read the Journal, which comes from the clerk's office.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you, Madam President. And yeah, so there's-- every one that sits up at the front of the, the Chamber and works for the clerk's office has a different, very specific role. And you, they probably do something that provides information to the greater public that you never even know that this person that sits up here that is-- has to be subject to my talking for hours on end provides. But they do, they provide the, the journal entry which we approve by unanimous consent every morning except for this week when Senator Wayne had a motion. But generally speaking, and, and the Journal, if you read the Journal you will find out all kinds of information, not just the floor debate that happens, but also what reports were submitted. Now, there can be reports out of committees, and technically a report, an Inspector General's report--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Thank you, Senator. Machaela. Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam Chair. Just to wrap up some of these recommendations from the Inspector General that would result in better responses from our corrections system in working with inmates who are in mental health crisis. The Inspector General offered the following recommendations. 1, to update the department's use of force policy include efforts at de-escalation by a licensed mental health professional, when time allows, for incidents involving people with known mental health issues. 2, develop individualized de-escalation

plans for people with serious mental illnesses who have histories of volatile interactions with staff. 3, implement a reimbursement policy for on-call mental health staff. This article from the Nebraska Examiner says the department agreed with the first recommendation. As for the second recommendation, the department said inmates with serious mental illnesses already have individualized treatment plans that may include de-escalation steps. The agency said that under current labor contracts, there is no provision to call back such mental health workers. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on your amendment.

**M. CAVANAUGH:** Thank you, Madam President. Yes. So this report ha-- will have recommendations in it. If you want to read more about it, they're on page 26 of the 33 page report from the Inspector General's office that was filed on May 2 of this year, 3 days ago. So since we are allocating hundreds of millions of dollars to build a prison, maybe we should spend a little time reading the report from corrections and educating ourselves. All right. In June 2021, an incarcerated individual with a serious mental illness and history of disruptive behavior caused a disturbance and threatened staff in the common area of a housing gallery at the Tecumseh State Correctional Institution (TSCI). During an incident that lasted several hours, the individual was shot by a combination of approximately 200 projectiles, receiving wounds all over his body, with 3 rubber bullets becoming embedded under his skin. After staff removed-- after staff removed him from the area, they immobilized him in a five point therapeutic restraint bed for at least 3 hours before the individual was placed in a cell in the facility's mental health unit. The incident prompted a series of internal NDCS investigations, which reached conflicting findings. The Office of the Inspector General of Nebraska's Correctional System (OIG), examined this incident with the intent of promoting accountability within the system and identifying possible reforms. At the conclusion of this investigation, the OIG found: June 2021 incident was mishandled in many ways, from incorrectly utilizing rules for a use of force to unacceptable amount of time it took to get the situation under control. During the incident, there was a lack of clear leadership and direction, in addition to chaotic and confusing scene which resulted in an unnecessary use of lethal force and excessive amounts of lethal [SIC] force. The experiences of a December 2020 use of force involving the individual did not result in a better reaction to the use of force in June 2021. Despite the individual's

history of serious mental illness, mental health staff's involvement in the response to this incident was minimal. Internal reports after both the Ja-- December 2020 incident and the June 2021 incident recommended that other less lethal options be available in some situations. The actions of the staff involved in the incident were not consistent with their training and in accordance with the department's use of force policy. Despite the director-- then director Scott Frakes stating that he received verification that the individual did not suffer serious injuries, injuries in the incident, photographs show the injuries were significant and did restrict the individual's usual activity. After careful consideration of these findings, the OIG recommended to NDCS that the agency take the following actions. 1. Update the Department's use of force policy to include attempts to de-escalate-- at de-escalation by a licensed mental health professional, when time allows, for incidents involving people with known mental health issues. 2, implement a policy to develop individualized de-escalation plans for people with serious mental illnesses who have histories of violent-- volatile interactions with staff. 3, implement a reimbursement policy for on-call mental health staff by May 1, 2023. 4, contract an outside entity with specialized-- which specializes in training of first responders who interact with individuals with serious mental illness to provide additional training for staff. NDCS accepted the first recommendation, rejected the third recommendation, and requested modifications to the remaining 2 recommendations.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you, Madam President. I will continue reading this report on my future times on the microphone. I do want to explain a little bit how this works. So we have an Office of Inspector General for Child Welfare and for Corrections. And these Inspectors General work directly with the committees that are tied to that. When an Inspector General's office issues a report, they work with the Chair of the committee, and they work with the director of the agency and the report-- they work for the Legislature, the Inspector General works for the Legislature. So these reports that come out, they give them-- they go back and forth. They give it to the agency, and as you can see, the agency accepted the first recommendation, and rejected the additional recommendations and requested modifications. So I don't know if it'll dig into all of that, but I guess we'll find out together. Thank you. A new Madam President. Hello, Madam President. I would like a call of the house.

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**SLAMA:** Thank you, Senator Cavanaugh. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote. aye; all those opposed vote nay. Record. Mr. Clerk.

**CLERK:** 5 ayes, 9 nays to place the house under call.

**SLAMA:** The house is under call. A roll call vote has been requested. The question is passage of AM1632. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch. Senator Armendariz voting no. Senior Ballard voting no. Senator Blood voting no. Senator Bosn. Senator Bostar voting no. Senator Bostelman. Senator Brandt voting no. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad. Senator Day. Senator DeBoer. Senator DeKay. Senator Dorn. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson. Senator Halloran. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders. Senator Slama voting no. Senator Vargas. Senator von Gillern. Senator Walz voting no. Senator Wayne. Senator Wishart. The vote is 0 ayes, 23 nays, Mr. President, on the motion-- Madam President, on the amendment.

**DeBOER:** The amendment is not adopted, Mr. Clerk, for the next item.

**CLERK:** Madam President, Senator Machaela Cavanaugh would move to strike Section 1, FA90.

**DeBOER:** Senator Cavanaugh, please state your point.

**M. CAVANAUGH:** I don't believe there's a quorum. There were only 24 people.

**DeBOER:** Senator Cavanaugh, please come up. It is the ruling of the Chair that there is a quorum present. Senator Cavanaugh, you're recognized to open on your amendment.

**M. CAVANAUGH:** Call the house.

**DeBOER:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

**CLERK:** 10 ayes, 10 nays to place the house under call.

**DeBOER:** The house is not under call. Senator Machaela Cavanaugh, you're welcome to open on your amendment.

**M. CAVANAUGH:** Colleagues, there was not a quorum. We are debating the budget. There was not a quorum. I asked for a call of the house. Twice. Now it's been rejected. Twice. If I had pulled everything off and we went to a vote on the bill, it would have failed because there were only 24 people. What is wrong with you? What is wrong with you? This is the budget. Unbelievably disrespectful to the people of this state and to one another, to twice-- actually, it's the third time that the call of the house has failed, and it is the budget. And there wasn't a quorum. Which is why I did a call of the House just now, is because there should be a quorum in the Chamber, not just in the Chamber, but checked in. Unbelievable. I withdraw my motion.

**DeBOER:** Without objection, it's-- it is withdrawn, Mr. Clerk, for the next item.

**CLERK:** Madam President, Senator McKellar Cabinet had moved to amend with FA91.

**DeBOER:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 12 ayes, 10 nays to place the house under call.

**DeBOER:** The House is under call. Senators, please record your pleasant-- presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized persons, please leave the floor. The house is under call. Senators Day, Conrad Hardin, Dover, Bostar, Bostelman and von Gillern, please return to the Chamber. The house is under call. Senators Day, Conrad, Dover, and Bostelman, please return to the Chamber, the house is under call. Senators Day and Conrad, please report to the Chamber. The house is under call. Senator Conrad, the house is under call, please return to the Chamber. The house is under call. All unexcused senators have returned to the Chamber. I raise the call, Senator Cavanaugh, you're recognized to open on your motion-- amendment.

**M. CAVANAUGH:** Thank you, Madam President. I am disappointed that you raised the call, but that is your decision to make. Colleagues, I did a call of the house again, because that was an embarrassment. This body has embarrassed itself this morning. The conduct is unbecoming. 24 people were here. Glad to see members of the Appropriations Committee are walking off yet again, leaving the floor yet again after that embarrassment. I withdrew my, my floor amendment, FA90 because I know the rules, and I knew I couldn't do another call of the house while I was on the pending motion. So I withdrew the motion, and had another motion put up, or amendment put up so that I could do another call of the house. And frankly, I wish you would have been forced to sit here for 10 minutes. But you shouldn't have to be forced to sit here for any amount of time, because this is your job and this is the budget. And if I had pulled everything off, the budget would have failed because there weren't enough people in the Chamber to vote for it, and there wouldn't have been enough people in the Chamber to vote for it because the call of the house failed. An embarrassment. Y'all don't have to like me, and you don't have to vote with me, but for crying out loud, do your jobs. Do your jobs. I wish. I wish that we were ready to adjourn. I would go to a vote on this bill in a hot second if I knew that we would adjourn as soon as we voted on it. But I know that we won't adjourn as soon as we vote on it. So I'm going to talk for two more hours for no other reason other than to not move anything else on the agenda. And all I want to do is leave right now. I didn't want to be here today. I don't want to be here right now. I am so just disgusted with the behavior of the people in this Chamber, how you conduct yourselves. It's so demeaning to the people of Nebraska. The people you represent deserve better from you. They deserve you to be in your seat. They deserve you to participate in the budget debate. They deserve you to be collegial and do a call of the House so that your colleagues who might have to step out for a meeting or might have to step out to get a question answered out in the rotunda can come back in to vote for things. You deserve better from one another. Your constituents deserve better from you. I don't expect anything from you, but my goodness, you find ways constantly to show me that if I thought I could be and couldn't be any more disappointed in your behavior, I was wrong. I can be more disappointed in your behavior. It's the budget. And members of the Appropriations Committee can't even bother to sit here for it. I see at least three, four that aren't here. Literally booked it out of here. This is the last budget bill of the week. The staff is here, but the senators aren't, not available to answer questions, not participating in the debate, not coming for calls of the House. I don't know what your reasoning is

beyond that. You just don't like me. But I hope there aren't any more fourth graders up in this-- in the Chamber today because, my goodness, the lessons they're learning on how petty adults can be. And why am I doing this? Because adults are petty and mean and attacking children. And that's why I'm doing this. And you're petty and mean to me for standing up for children. God help me. The moment I know that we're going to adjourn is the moment I will stop talking on this bill. I see there's other people in the queue and I think I need a moment to cool off, so I'm going to yield the remainder of my time.

**DeBOER:** Thank you. Senator Machaela Cavanaugh. Senator DeKay would like to recognize 9 4th graders from Allen Consolidated Schools in Allen, Nebraska, located in the north balcony. Students, please stand to be recognized by your Nebraska Legislature. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Madam President. I appreciate that. So, just so Senator Machaela Cavanaugh understands, I have not left the floor once. Been here all the time. Do not insinuate to me, tell me that I'm an embarrassment. You have been doing dilatory motions on these bills and other bills for 73 days. And when you do a call of the house, that is disrespectful, because not one of these motions you put up meant anything to anybody, not even yourself. So what I'm saying today is what the majority of the people in this room wish they could say, and thousands of people watching wish someone would say. We are not the embarrassment of this Legislature. We who are here to do the people's work, are not the embarrassment of this Legislature. It's those of you who have been doing dilatory things for 73 days, and then you stand up and try to lecture us about not doing the people's work. You don't want to be here? The door is open. Hit the road. Go home. You don't have to be here. So don't lecture me on who is an embarrassment and who isn't. We've put up with this for 73 days, and it's going to continue until we adjourn. And when I vote red on call the house, I know it's a, it's a dilatory motion, why have people come back? There were 33 people checked in. There was a quorum present. They weren't on the floor because they didn't want to listen to all of the things they've been listening to for 73 days. They've heard it. So don't stand up there and take the high ground like you're something special, and all the rest of us don't count. So you deal with these comments however you want to deal with them. Because this has been a very dilatory process, and you know it. You intended it to be that way. You intended to burn down the session, and you may have accomplished that, but don't drag us into the same mire that you're in. Thank you.



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**KELLY:** Thank you. Senator Erdman. Senator Moser, you're recognized to speak.

**MOSER:** If you read the rule book-- thank you, Mr. President --about a call of the house, the president can call the, call of the house out of order if the difference of the people missing would not make a difference in the vote. So that to me means that there should be an impending vote when you have a call the house. Now, tradition has it that anybody can call, call the house any time. And generally, as a courtesy, members will vote for a call of the house to support whichever senator makes that call. But when you're talking for hours about Oxford commas, it's a little hard to stay engaged. And we have other things in our offices that we could be doing. Even if we're doing nothing, at least there it's quiet. I think it's disingenuous to lecture us about being considerate of the constituents' time. I get emails upon emails asking What's going on here? Why do we let two or three people talk forever? George Norris, in his infinite wisdom, evidently decided that the minority can bog things down to try to control the majority if they think that bills are being passed that are against their will. But it's all kind of on the honor system, and if you call for the house when you're talking about the Oxford comma, or your salad recipe, or, or you're laughing and making jokes with your staff about you don't even know what the motions are, and then you lecture us. You don't even know what the motion is. It's no wonder people get worked up in this place. Thank you, Mr. President.

**KELLY:** Thank you, Senator Moser. Senator Machaela Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Erdman, for being present. I didn't say that you weren't, but I appreciate you acknowledging for the record that you have been present. Going to go back to reading the reports. I lost my place previously, but I was reading the agency report talking about corrections. So it was under Public Counsel reports. You go to the Public Counsel Reports, that's the Office of Inspector General. You'll see the Office of Inspector General of Nebraska Child Welfare System, the Office of Inspector General of the Nebraska Correctional System Reports. And I was reading the use of force at Tecumseh prison. So I was reading through the executive summary. I had gotten through the executive summary on page three, and now I'm on page four. Background. The OIG launched an investigation into use of force incident after visiting the special management unit (SMU) at TSCI on August 18, 2021, and encountering the individual involved. He was in single-- a single prison cell-- person

cell on a gallery used for acute mental health and restrictive housing placements and sought the attention of the Inspector General of Corrections. The individual was only wearing his boxer shorts and had marks that looked like quarter to golf-ball sized welts or bruises over many parts of his body. When asked what happened to cause the injuries, he shared that he was involved in the use of force incident in June 2021. He said he had been shot repeatedly by pepper balls, rubber bullets and beanbags. He also shared that he had been involved in another use of force in December 2020 in which he had also been shot repeatedly by similar weapons. He shared written documents that seemed to corroborate these statements. As part of the investigation, multiple documents were reviewed, including NDCS policies, relevant state statutes, disciplinary documentation, internal reports related to the incident and other written communication related to the incident. All video recordings of the incident were carefully reviewed multiple times, and related telephone mes-- recordings were also reviewed. In addition, interviews were conducted with various NDCS staff and officials involved were in the actual incident or late-- or later related activity. About the individual. The individual at the center of this investigation first entered NDCS custody at age 18 due to a conviction for terroristic threats. He served approximately 18-- 18 months, I'm sorry, 8 months at the Nebraska Correction Youth Facility before being released. He-- his most serious misconduct charge during that time resulted in 30 days of discipline segregation. He received no misconduct charges for the assault-- for no misconduct, charges for assaults, and lost 15 days of good time. His entire stay took place at the Nebraska Correctional Youth Facility. He once again was incarcerated a year later, this time for terroristic threats, cruelty to animals and use of deadly weapon to commit a felony. He has received two additional assault charges during his current incarceration, and his tentative release date is in 20-- 2038. He is currently eligible for parole. He was placed in a segregated-- segregation unit soon after se--, after entering the system and has spent most of the past 12 years in either restrictive housing setting or a mental health setting, primarily at--

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you. --TSCI. He also spent eight weeks at the Lincoln Regional Center. He started receiving misconduct reports about five weeks after starting his second incarceration los-- losing a month of good time for flare of tempers/minor physical contact. His conduct-- his misconduct reports increased over time and include a variety of offenses, including mutilation of self, disobeying an

order, swearing, cursing or abusive language or gestures, disruption, assault, medication abuse, and other offenses. As of this report, he has received over 450 misconduct reports during his current incarceration and has lost all of his good time (4,201) days. A review of his past misconduct reports and incidents found numerous assaults, disruptions, flairs of temper, threatening language and more. Some of these results resulted in uses of force.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you.

**KELLY:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Multiple things can be true, right? You can be annoyed with Senator Cavanaugh. You can think that she's being rude or uncollegial or something. You can think that. And you can also be doing that, too. You can also be being unprofessional and uncollegial and rude by not voting for calls of the house so that your colleagues can come down here and vote on amendments and motions, which has been going on all session. It's not like something came to a head today and we're just like more annoyed than ever. This has been all session. And refusing the calls of the house, overruling the Chair, this type of stuff has been happening all session. The bigots and the racists and the people who are trying to discriminate against Nebraskans are the ones burning down this session. Weeks ago, six weeks ago, seven weeks ago, we could have been done with all of this. We could be done with all of it today. We could get LB574 up on the agenda today. We could kill it. And then we could do consent calendar, we could do gubernatorial appointments, we could have Senator Arch's, Speaker Arch's, you know, amazing technicolor dream session, basically. And you are the ones burning down the session and making this choice. I am happy to be corrected, but I don't think Senator Armendariz, Senator Lippincott and Senator Dover have even spoken about the budget in terms of what bills they have contributed to the budget, the experience about it, whatever. And this is highly, highly, highly weird. And I think perhaps freshmen in this body don't get that. This is a very, very unprecedented way to discuss the budget. Usually, you know, we got three or four columns of people in line for debate on this thing. And we had more hours of debate earlier this week. But it would be typical for it to go on through the whole budget discussion, for people to have genuine, conscionable, you know, sincerely held ideas and questions and thoughts about this budget,

about things that they are trying to amend into it, about explanations of why things were included or not included. And the fact that we're not doing that this session is a dereliction of duty. I'm not-- you know, Senator Machaela Cavanaugh and I, she's been reading the budget. I've, I've learned as much from listening to her read the budget as I have from reading it myself. I'm not a numbers person. I'm not, like-- I've done budgets for my home like we all do. I've done budgets for my businesses that haven't made like a ton of money or something. It's not like I'm this budget queen. I don't know how to do this stuff. I'm just here to block abortion bans and fight for gay people. That's like my deal, and that's what my constituents sent me here to do. But I'll play budget. Like I want to understand this and I want to hear why you guys put stuff in it. I want to hear why certain things were left out. I want you to address some of the questions that Senator Cavanaugh has from going through the budget in a much more diligent way than I have that are legitimate questions. What's going on with like \$30 million for a baseball field for Creighton, for a private college in our state? Why? Why do they need \$30 million for that? Anyone got a thought on that? Any members of appropriations who haven't spoke on any of this at all got an opinion about that? What's that about? It's a highly unusual type of debate for the budget.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. And regardless of your annoyance or how testy you are about how people are using the rules to work within the system to get what we need to have done. The 5, 6, 7 of you rats could jump off the ship altogether. Kill LB574, and we'll move on from all of this. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak, this is your last time before your close.

**M. CAVANAUGH:** Thank you, Mr. President. Well, Senator, I'm glad you've learned about the budget. And there is more to dig into the budget. But sometimes when you're spending 3 days in a row reading it and talking about it, the mental aptitude to continue for the final hour and 45 minutes, it's just not there for me right now. Hour and a half. Which is why I'm just reading something else. Because if I'm reading the budget, then I'm thinking about the budget, and if I'm thinking about the budget, I'm going to ask questions. And frankly, there's a report about Tutu-- Tecumseh's use of force is very germane to a budget conversation because we are not addressing the issues within our correctional system. We are just throwing money at it by building

a new prison without a plan, without sentencing reform, without the substance that we need. And since I don't believe that members in this body will read this report of their own volition, I'm going to take the time to read it. And apparently, more of you are listening to what I'm talking about than I thought, since there were comments made about things I've been talking about. So that's nice to know. It's nice to know that some of you are actually listening, even if you are irritated. Serious incident prior to June 2021 incident. December 2020. The individual was involved in an extensive use of force in December 2020 at TSCI, according to the NDCS use of force report, the individual was given directions to be placed in restraints in order to be escorted from the mini-yard to the shower area for a strip search. He became aggressive and began yelling and slamming his fists against the door of the mini-yard. At 1005 hours, a cell extraction team was assembled, but before it arrived, he broke an arm bar from the wall and it became a potential weapon. He did not comply with any orders to come to the hatch at the door to be restrained. At 1045 hours and staff deployed ten pepper ball rounds to his legs, chest and arms. He continued to refuse to comply with directives, and 4 40 millimeter projectile rounds were deployed and-- to his legs. He again refused to comply. 5 to 6 bursts of a chemical agent were then deployed to his upper brow. He refused to comply. Three more 40 millimeter rounds were deployed to his legs. He did not comply, and 5 to 6 more bursts of the chemical agent were deployed to his upper brow, followed by an additional 5 bursts. After he again refused to comply with the directives, 5 more bursts of a chemical agent were delivered, followed by 40 more pepper ball rounds at his legs, chest and arms. He refused to comply and one 40 millimeter OC Direct Impact round was fired at his chest, followed by ten more PepperBall rounds. This was the first of a series of 6 deployments of an additional 10 pepper ball rounds each for a total of 110 up to that point. Over the next several minutes, 5 additional 40 millimeter OC Direct Impact rounds were fired at him, along with additional bursts of a chemical agent.

**KELLY:** One minute.

**M. CAVANAUGH:** This is a person in the care and custody of the state. They were in the care and custody of the state. Mr. President, this is my last time, correct? Yes. OK. The individual eventually submitted. All of this took place in the small mini-yard, which is about 2 cells-- the size of 2 cells. After the incident, the TSCI major provided the TSCI warden with a use of force review memo dated 13-- January 13, 2021. This listed 9 observations made as a result of reviewing the use of force packet. Relevant comments included, when

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direct impact rounds (40 millimeter and/or PepperBall) are showing to be ineffective, then alternate actions need to be considered. There needs--

**KELLY:** That's your time. Senator.

**M. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Senator Boer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Since we are talking about this today, and I was unable to talk about it earlier, I did want to add that this gentleman that we're talking about, this individual who the Inspector General was reporting about, the Inspector General happened to be that day at Tecumseh because he was touring the facility with me. I was interested in looking at the restrictive housing and other similar units in Tecumseh that day, and we went-- we went on to the-- this was a sort of a mental health hallway. And I went-- there's a little slat at each door. And I went in to, sort of, look in the slat, and there was a gentleman who was standing there. He didn't have a shirt on. And this was two months after the incident. And I recoiled because he had so many bruises all over him that I couldn't figure out what had happened to him. So two months later, he was just riddled with bruises all over his torso. And that's when the Inspector General then talked to the individual and asked him what had happened. I went further on down the ward to talk to other individuals, and I learned about that, that particular hallway of mental health treatment. The folks who were there were in pretty serious mental health straits, they, they had some, some serious issues. We have a lot of folks like that in our prisons. And it's something that I think we need to be addressing. In general, I think we need to be addressing some of this need that we have in the state for long term mental health care. But certainly I was grateful for the Inspector General's report on the incident, because all I saw was the aftermath. And I certainly wanted to know what would cause someone to 2 months later be-- I don't know what to call it, so physically marked by an incident. And this is the kind of thing that I think we, we need to take seriously. I think it's an amazing thing that we have Inspectors General to help us with this. He would have been there at some point had he not gone with me. We, as a body, are responsible for an oversight component over all of these departments. Having someone like the Inspectors General to do some of that work for us really helps us out, because certainly it is not easy to get to all the correctional facilities all the time, even for any of us, even if we spread it out. And these kinds of incidents, knowing

that they happen, allows us to make better policy. How, you say. Well, we have since this incident opened a very specific mental health ward that I think might be a little better. We have policies on restrictive housing and mental health folks, ser-- folks with serious mental illnesses and making that--

**KELLY:** One minute.

**DeBOER:** --kind of policy, understanding the real things that happen for folks, I think is really important. So I want to say I'm grateful to the Inspector General for his report. I'm grateful for having the Inspectors General, and I'm grateful for having this information, so that we can understand what's going on in our correctional facilities and make better policy as a result. You all know that we are allowed, any one of us, to enter any of the correctional facilities at any time we would like, to inspect them, to look at them, to understand them better. I would encourage all of you to do so. This interim, I will make sure to reach out to all of you to ask if you would like to go and tour them, because as we are thinking about corrections and our prisons, I think we need to see it firsthand. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Fredrickson announces some guests in the north balcony, 38 4th graders from Prairie Lane Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Welcome, kids, I'm glad you're all here today. I hope you get a chance to look at all the beautiful art and murals and sculptures in this building, and that you never forget your trip here. Speaking about our correctional process and LB813 and our budget as it relates to funding a new prison, as Nebraska reckons with the nation's worst prison overcrowding, we have an opportunity with several bills to help prevent some former offenders who have served their time and who are doing everything right from winding back up in prison on the state's dime. One of those bills is LB88, which is a bill introduced this year to allow people with former drug convictions to have access to food assistance, the Supplemental Nutrition Assistance Program. Allowing these people to have access to SNAP will actually result in a cost savings for the state. A person convicted of a drug felony spends an average of 1.6 years in jail, and the cost to incarcerate a person for one year on average in Nebraska is about \$36,000. So that's a total cost of nearly \$58,000, at least, for each of these individuals that's affected. Under LB88. SNAP costs



nothing. The state only pays for the administrative costs of the program, which they're already paying. DHHS says that they can absorb those costs. So LB88 costs nothing. The federal government picks up the tab. We save hundreds of thousands of dollars a year on people who are, you know, we're paying at least \$58,000 to incarcerate these people. And the federal government covers the rest. So should we let these people get a temporary hand-up at no cost to the state? Or should we spend tens of thousands of dollars to lock them back up again? A lot of these people have children. Should these children be punished because of the mistakes of their parents? It's cruel and it's willfully ignorant to say that our prison systems are intended to be rehabilitative. And then for us to send these folks back out into the world and continue punishing them by denying them access to assistance, in meeting one of their most fundamental needs. We've heard over and over again that this ban is directly contributing to folks being driven to re-offend with financially motivated crimes out of necessity for survival, that it negatively impacts the children who depend on these adults and that it increases recidivism. If a person once sold drugs in order to feed their family and they can't feed their family once they've exited the correctional system, what do you suppose their options are going to be? Well, it's fairly likely that in the absence of other income streams, they'll turn back to selling drugs or obtaining money in food and other illegal ways, once again. I'll also note that most SNAP recipients are subject to work requirements, too. From the DHHS website, it says with some exceptions, most able-bodied adults between 16 and 60 must register for work, take part in an employment and training program to which they are referred to by the Assistance office and accept or continue suitable employment. Failure to comply with these requirements can result in disqualification from the program. So when you look at the costs it takes to incarcerate someone versus the cost to, by the way, the cost to incarcerate people who reoffend because of financially motivated crimes after they are released from the carceral system and then, we look at what the cost of SNAP is. It's literally a cost savings. It's one of those zero fiscal note bills that we could easily pass to right some of the wrongs of the past--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President-- to put this in some kind of package that's addressing criminal justice reform and that's helping these people get back on their feet. Nobody wants to be a criminal. Nobody takes pride or joy in selling or distributing drugs. A steady job is what can give people a sense of purpose and pride and meaning. And in

many, many cases and personal stories I've heard from the population affected by this bill, it's typically a story of a poor choice that somebody made in their youth out of desperation, that they learn from and then they come back later to regret, as an older adult. When a person has paid their penance for their crimes in the eyes of the law, it's totally unfair to keep punishing them for the rest of their lives, pushing them toward food insecurity when they reenter our communities after having paid their debt to society, is--

**KELLY:** That's your time, Senator. You're next in the queue and that's your last time on the amendment.

**HUNT:** Thank you, Mr. President. The prison that's in this budget is a huge sum of money. It's almost as much as the entire department's annual appropriation. It might be the most expensive project-- the most expensive construction project ever funded by state dollars. By funding the new prison, we're making a huge, ongoing financial commitment for taxpayers. And that's assuming that we have staff to fill it. You know, Senator McKinney has been making excellent points about we have Tecumseh, we have the State Penitentiary and then, let's add-- say we have this new third prison, wherever this is going to be, perhaps between Omaha and Lincoln or northwest of Omaha somewhere, so we can access, at least, the workforce in Omaha and our population centers to staff these prisons. Because we know that in Tecumseh, they don't have the staffing. In the correctional facility in Lincoln, they struggle to have the staffing. So what makes us think that we're going to be able to staff a new prison between Omaha and Lincoln? And what makes us think that we're going to be able to have the programming there that people need in order to rehabilitate? Every dollar we commit to this new prison and the ongoing expense of staffing and maintenance is a dollar not being invested in property tax relief, not being invested in economic development, not being invested in education, all of these things, you know, education, job development, health care, the things that actually keep people from going to prison in the first place. It's so much easier and so much cheaper for taxpayers to fund these kinds of initiatives that we know decrease recidivism, that we know keep people out of prison in the first place. For the last 20 years, the state spending on corrections has outpaced the growth of every other thing in the budget. Every other major state funding area that we have in Nebraska has been outpaced by our funding for corrections. And we're still one of-- we're still the most overcrowded prison population in the entire country, even though we're spending more on our prisons than most other states. So why is that? Why are we throwing good money after bad? Let's change course. Let's

change it. We got, I don't know, 13 more days left in-- 17 more days left in this session. We've got another session next year. Odds are 50/50, I don't know, that we have to come back for a special session anyway, to take women's rights away. There is time to fix these things if it doesn't work. We should have the courage and the foresight and the independence, frankly, to try some common sense, smart justice reforms, like we saw in LB920 last year. We've got the blueprint here. We've already paid for the research. We've already paid for all of the work that went into it. We have experts here, in the body. Senator DeBoer worked on it heavily over past years. Senator McKinney, Senator Wayne, other members of the Judiciary Committee. We might be able to truck Senator Lathrop in here, to, to give us some advice about it. But I think that we should give it a good try this year. And if it doesn't work, guess what? We can change. We can do something different. But that's the problem. Up until this point, we haven't done anything different. We just keep throwing money in our budget at the carceral system. Not changing that method, but we're not getting any results for that. We're planning to increase property--

**KELLY:** One minute.

**HUNT:** --oh, thank you, Mr. President. We're planning to increase property tax relief this year. We're planning to increase corporate tax relief this year. But here, with the prison in our budget, we're talking about approving a massive, ongoing expense that's just going to increase. And it's going to prevent us from being able to do more relief in the years to come. In 2015, this body passed LB33, which required NDCS to utilize a strategic planning process for future budget requests. The explicit purpose of that bill, of that law, the process, was to provide a framework for future construction and renovation decisions around our prisons. We do have a strategic plan for this prison, we just don't want to follow it. And we're throwing out, you know, all of the money and all of the investment we've made in these plans.

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to close on FA91.

**M. CAVANAUGH:** Thank you, Mr. President. I've just been reviewing the rules, chatting with the Clerk, getting answers to my questions

because I'm a learner and that's what I like to do. So the use of force reports, Nebraska Legislature's website-- under reports, you can read it. It tells you about what we've all been talking about. Senator DeBoer-- thank you to Senator DeBoer, for sharing her firsthand experience. And I'm sorry that both she had to witness it and that this individual had to experience it. We are able to visit these facilities. And I encourage members of the body to do so. Of course, the Department of Corrections would very much appreciate you telling them in advance when you're going to come. And I would very much discourage you from doing so. If you really want to see what the facilities are like and what's happening in the day-to-day operations, you should show up unannounced. If you want a rose-colored glasses version of what's going on, you should make an appointment. They'll clean for you. They'll direct where you go. They'll try and direct where you go, anyways. And they'll try and say, oh, let's not do that or we're going to go this way, instead. And you literally do not have to take that. I have gone and toured facilities. I have not been to Tecumseh. I've been very remiss in Tecumseh. I have toured numerous other facilities, but not Tecumseh. I have toured York Penitentiary-- Women's Penitentiary. I have toured all of the YRTC campuses and well, the previous one, at least twice in Geneva, Kearney at least twice, maybe three times, Hastings, the building that was torn down and the new facility, Lancaster County, the Lincoln YRTC, the Lincoln Regional Center, White Hall, maybe there's others that I'm forgetting. So I encourage you taking a tour. I also encourage when you're there, to talk to the people that are housed at these various facilities. Ask them about it. Ask them what it's like. I remember going into the Correction Institute or the, the Cornhusker whatever that was-- I can't even remember from this morning-- indust-- Cornhusker Industries shop and seeing workers sewing. Yeah. So, again, this goes to 3:15, this bill does. And I believe we're adjourning, once we get to cloture on this bill. I'm ready to get out of here. I think I have another floor amendment pending. So--

**KELLY:** One minute.

**M. CAVANAUGH:** --we'll just go to a vote. Thank you, Mr. President.

**KELLY:** Senators, the question is the adopt-- there's been a request for a call of the house-- to place the house under call. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 12 ayes, 5 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Day and McKinney, please return to the Chamber and record your presence. The house is under call. All unexcused members are now present. The question is the adoption of FA91. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 0 ayes, 37 nays, Mr. President, on the adoption of FA91.

**KELLY:** The amendment is not adopted. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, some items, quickly. Your committee on Enrollment and Review reports LB705 to Select File with E&R amendments. Additionally, new amendment from Senator Blood, amendment to be printed to LB157. Concerning LB813, Mr. President, Senator Machaela Cavanaugh would move to amend with FA92.

**KELLY:** Senator Machaela Cavanaugh, you are recognized to open on the amendment.

**M. CAVANAUGH:** Thank you, Mr. President. This amendment strikes a section of the bill. If you're interested in learning more, I'll let you do your due diligence. Senator Hunt started talking about this last night, about this letter that came out from business leaders. And I just-- I was tired and I didn't really want to talk about, about it. I just didn't want to talk about it. I was tired and I knew I needed to take several hours and I didn't want to talk about it. And I talked about it a little bit this morning, because the reason I'm doing all of this, all of this, is because of LB574. Because of a bill that is unconstitutional, violates human rights, violates parental rights, violates civil rights, clearly targets a marginalized group, seeks to dehumanize, demoralize them, seeks to really eradicate them from existence. That's why I'm doing this. And that is why, when people sit at home and they see and hear the things that my colleagues are saying about me on the microphone, that's why I'm taking the verbal abuse from my colleagues. That's why I'm taking the verbal abuse from the public. Although in fairness, the public has been way more proportionately kind and supportive than my colleagues have been. But they-- it wouldn't matter if they weren't. Even if they weren't, I would still do it, because I am not going to stand by and watch these atrocities happen in Nebraska. There's lots of historic pictures of

various moments of civil rights victories in this country. And I would ask you, colleagues, to think of one that has resonated the most with you. Maybe, it's crossing the bridge in Selma. Maybe, it's seeing black people sprayed with fire hoses by law enforcement. Maybe, it's people throwing garbage at black children entering into a school for desegregation. I would challenge you to think about these, to think about these images and ask yourself, where would you like to believe you would have been? Would you have been the one throwing the garbage or would you have been the one standing between that child and the person throwing the garbage at them? Who do you want to be, in history? Because that is what is happening this year, in this state and across this country, we, policymakers, elected officials across this country are faced with making that decision. Who do you want to be in the history of trans rights? Do you want to be the person that sought to eradicate the existence of people or do you want to be the person that stood up for them? I challenge you, colleagues. This is a moment-- this is a significant moment in the history of our country, in the history of our state. There is an assault on a specific minority population of people and we are confronted with it in our own Chamber, with this legislation. We are confronted with an assault on a minority population, seeking to eradicate their existence. And I ask you to rise up. More than 16 of us need to rise up against this vitriol, this hate. I am not standing here day after day, hour after hour, minute after excruciating minute, talking about the Oxford serial comma for "funsies." I am talking about it because I have to talk about something. And I think you would all prefer that I talk about that, then how we are about to perpetrate human rights violations against children in our state. But hey, if you prefer that I talk about LB574, again, on everything, then that's what I will do. This is in the Nebraska Examiner. Senator Hunt started talking about it yesterday. Senator Hunt distributed this on everyone's desk, I think it was this morning. It's the LB574 and LB575 are not, underline not, good for business. The letter, the letter: as business leaders in Nebraska, we are grateful for the leadership and support shown from the Legislature to the business community. An issue we have a high degree of interest in is improving Nebraska's ability to retain and attract talent to meet business needs. According to the Nebraska Chamber of Commerce, there are currently 32 available workers per 100 jobs, meaning there are nearly three jobs per available worker in Nebraska. The challenges we face in filling the approximately 80,000 positions we have available in the state is hurting our businesses ability to compete and meet client expectations. It is also impacting our current employees who may be overly burdened with assuming the

workload and responsibilities from the jobs left unfulfilled. Due to our limited talent pool, many of our businesses are being forced to create jobs in other states that would prefer-- we would prefer to grow in Nebraska. For those businesses who are unable to hire outside the state, they simply need to try to find a way to continue without adequate workforce. Some have given up and closed, others continue to work hard to figure it out. We fully understand our role as business owners and leaders to solve this issue. However, the state can and should help, as well. We commend you for your work-- for the work you have done related to tax policy that is helpful for talent and attraction and retention. However, the current social legislation being considered is equally important, regarding the impact on talent. How we handle and vote on the current legislation being considered could either help us or hurt us. The image and message of some of the current legislative policies, LB574 and LB575, sends a message to marginalized communities that live here and for those of us who love and care for all Nebraskans, is nothing short of discouraging and disappointing. The image this casts outside of our state is equally discouraging and disappointing. Nebraska can avoid major competitive risks and win investment, business and talent by sending a clear and consistent signal that all are welcome here and Nebraska is open for business. This message matters to large and small businesses, to tourism and travel bookers and to talented workers. When recruiting top talent, a welcoming stance towards all people matters, not just for marginalized workers. The next generation of workers, millennials and Generation Z aren't just wanting inclusive environments. They are demanding it. According to Pew, Pew-reviewed research, by the year 2025, 75 percent of the global workforce is expected to be made up of millennials. Therefore, this is something Nebraska must be ready for in order to be a great place to do--

**KELLY:** One minute.

**M. CAVANAUGH:** --business in the future. Businesses are watching state legislatures. They are investing in states with laws that foster diversity, equity, inclusion and a robust workforce. And states that sanction discrimination simply cannot compete. Nondiscrimination protections are an investment in stronger communities and a stronger economy. Nebraska does not experience such-- much net positive people migration as it is, this type of legislation makes it even more difficult. For those of us who are working hard to improve migration performance, we ask you to support Nebraska businesses by improving our ability to retain and attract talent. Vote against harmful legislation like LB574 and LB575. Thank you, Mr. President.



**KELLY:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. I was talking about how the department and former Governor Pete Ricketts went about the process of exploring development and funding for a new prison, which has now come to fruition through this budget. In 2015, the body passed LB33, which required NDCS to utilize a strategic planning process for future budget requests. The explicit purpose was to provide a framework for future construction and renovation decisions. Instead of being reflected in a strategic plan, the first time we heard about this prison was from a news release talking about a public-private partnership. Then, just a few days before the Appropriation Committee's agency hearing, it became part of a new plan that also involved remodeling the Nebraska State Penitentiary. The Nebraska Department of Correctional Services does have a strategic plan. They apparently just don't want to follow it. The 2019-2023 Strategic Plan describes capital construction needs and requests money for the Nebraska State Penitentiary, but it says nothing about NSP being dilapidated or needing major renovation. It also makes no mention of a new prison. Our job is to make responsible fiscal decisions on behalf of our constituents and we cannot do that if agencies are ignoring the process. So what happened after that is the Appropriations Committee looked at the numbers, they engaged with stakeholders, they heard hours and hours of testimony and decided that we need to take our time with the decision. We also, then, went into conversations about criminal justice reform and LB920, because what we need is reform that's rooted in Nebraska values and the values that we already have here, as a state. The problem is systemic. We own that and we already know that. Director Frakes-- former Director Frakes said that the Legislature creating new crimes has helped contribute to this overcrowding. And that's why seven-- several years ago, I made the decision to stop introducing bills that create new crimes. I did have some in my, my first year and second year. And I ended up withdrawing them-- withdrawing a few bills, because I didn't want to create more crimes in Nebraska. I didn't want to be a part of that problem. Because the solution isn't giving up and writing a massive check, either. The solution for our overcrowding problem isn't just throwing more money at the problem because we've done that, year after year after year. Nebraska has some of the highest spending per capita on our corrections system in the entire country, but we have the most overcrowded prison. What's up with that? So does it seem like that process is working very well? It's obviously not. And it's not because

Nebraskans break more laws than the average, you know, person in our country. It's not because, you know, we have more crime here. That's certainly not the case. It's because it hasn't been man-- managed with good policy that matches funding for our carceral system, in order to keep it from growing out of control. We are way behind in investing in what works. We are way behind on investing in smart justice. Just a couple of years ago, we launched our very first mental health court. I might even have that wrong. It might have been last year or this year. But we, just recently, got into the mental health court game. And this is a program that costs a fraction of what it costs to imprison someone. We have to get serious on diversion and mental health and therapy.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. We've also heard a lot about the Nebraska State Penitentiary's age. Governor Ricketts has said that it's crumbling, but the fact is that most of the footprint, nearly all of the housing was built in the 1980s. It's not in such bad shape and it's able to be renovated. It's able to be fixed. And all this talk about NSP's age is just an attempt to confuse Nebraskans, because those in control know what we know, which is Nebraskans don't want a new prison. They want better outcomes and they want smart justice reform. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. So I finished reading that letter and it has the list of, of the companies. And it's a long list. And I know people will be like, Oh, well, that organization's progressive, so of course, they signed it. Yeah, they're not all progressive on here. I mean, there's law offices, major law offices, there's major businesses, banks, arts organizations. And let me tell you, having worked in, in the arts organizations, they're not all progressive. Like, the symphony, the donors for the symphony are-- tend to be wealthy Republicans. And they signed this letter. Because if you enjoy the symphony, best of luck enjoying it in Omaha. What artists are going to want to come here? If you enjoy the opera, best of luck enjoying it in Omaha. You're going to have to go elsewhere, because artists for these art forms are not going to want to be here. The article itself, in the Nebraska Examiner, written by Paul Hammel, published last night. A letter delivered Thursday for more than 115 Nebraska business leaders tells Governor Jim Pillen-- let me pause and

note that this is 115 business leaders. This is in addition to the statement by the Omaha Chamber of Commerce-- tells Jim Pillen and state lawmakers that two proposals attacking LGBTQ-plus rights are hurting job recruitment and retention in the state. One measure, LB574, would block minors from receiving gender-altering care. I'm going to, I'm going to edit this for you, Paul-- gender-affirming care. It would block minors from receiving gender-affirming care, which includes hormone therapy and just talk therapy. So if we're going to be comprehensive and inclusive, it prohibits minors from receiving gender-affirming care, while LB575 would ban transgender girls from competing in sports-- girls sports in schools. Harmful? I don't think that's entirely accurate either, but I-- I'm not as familiar with that bill. So, harmful social legislation. The letter calls the, the two bills harmful social legislation that are bad for Nebraska businesses in their efforts to retain workers, recruit new employees and fill the estimated 80,000 job vacancies in the state. Quote, Nebraska can avoid major competitive risks and win investment, business and talent by sending a clear and consistent signal that all are welcome here and Nebraska is open for business, it stated. The letter follows a similar message delivered last week by the Greater Omaha Chamber of Commerce, urging diversity and inclusion and avoiding laws that threaten Nebraska's image "as a warm and welcoming state." And the Governor's Office response to the letter said that protecting Nebraska's kids is good for business. Well, I agree. Protecting Nebraska's kids is good for business, which is why LB574 is bad for business. We wel--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you. We welcome all people to Nebraska, but we should not let kids make irreversible, life-threatening decisions until they are adults. Some might argue that getting a boob job, if you're a girl and you want to live as a girl, is also an irreversible, life-threat-- altering decision. But it actually is reversible, first of all. And, and you can do it. And LB574 wouldn't prohibit you from doing it, hence, it being unconstitutional-- inclusive environment demand-- demanded. But the business leaders and Omaha Chamber see it differently, as driving away potential employees and businesses-- business conferences from the state, when the next generation of workers are insisting on inclusive workplaces. I think I'm about out of time, so I will come back to the delightful comments of the introducer of the bill the-- my next time on the mike. Thank you, Mr. President.

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**KELLY:** Thank you, Senator Cavanaugh. Senator Dorn, you're recognized to speak.

**DORN:** Thank you, thank you, Mr. President. I thought I'd get in it a little bit this afternoon and talk a little bit about I know we've had some discussion on the prison and building that and some of the reforms. And I thank Senator McKinney for bringing up some of those conversations. Like to point out a little bit what, what the process was here, though. This process of the decision-- not of the decision, but in the budget to build the prison came through the Appropriations Committee. I will be the first one to admit that I haven't sat on Judiciary Committee. Not part of it, don't understand a lot of, I call it, their workings or what they, they go through and the discussion they have, as far as reforms and all those things. That is something that our Judiciary Committee has really dwelled on and thank them for coming up with some of their proposals. I sat on the Appropriations Committee, though, and as part-- as, as what happens here is in the Appropriations Committee then, these numbers, these dollar amounts to build, not to build, all those numbers, that's what we start looking at. Senator McKinney got me interested when he talked about the Parole Board and the, and the article about Flatwater Press. And I typed that stuff in and started looking and started reading. But I wanted to give some to-- some statistics here from nine-- 2021-- these are national statistics. We always hear about we are so overcrowded, I call it, bed-wise. In other words, we are either first or second as far as our capacity and the number of inmates. But I also, there-- when, when we don't, I call it, always get in the other side of the story, except in, in Appropriations we do, because we look at, sometimes, also more, more statistics. And one of them that-- in one of these articles that stood out, in 2021, Nebraska had 284 inmates per 100,000 people, which is I'll just tell you, that's too many. But Alaska led the nation at 633 per 100,000 people. There are four states in the nation that have more than 500 per 100,000. Massachusetts is the least at 88 inmates per 100,000 people. Why do I point this out? I can look at things in two different ways. I can look at we need the correction reforms. We need to make sure we don't have more inmates. But I can also look at it and tell you that what we've heard several times throughout the years have we kept up with, I call it, the facilities for our inmates. If we are the most overcrowded per bed-wise, that can tell you several things. One is we have too many people in there. But it can also tell you that we have-- do not have the facilities. We have not kept up as a state with building, I call it, the facilities, so that we're not the most overcrowded. Our 284 inmates per 100,000, that is number 31,

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as far as the state rankings, in 2021. The national average was 314 per 100,000. So I can also look at that from a perspective that we, as a state, have not kept up. I think the condition of the Nebraska State Pen in Lincoln, all of the issues we've had with it, all of the upkeep, all of the funding we are putting into that prison tells you the story that, that aspect of it that we haven't kept up with, I call it, the facility management and the facilities being where they should be for the amount of inmates our state has. We can look at this at several different ways. I will agree 100 percent with Senator McKinney, that we constantly need to and we need to be aware of our sentencing guidelines, our sentencing reforms, all of those things. But when you look at--

**KELLY:** One minute.

**DORN:** --some other statistics, which our committee, quite often, that's what we are involved with, is looking at statistics. The statistics also tell you that through the past, I don't know how many years, 10, 20 years, we haven't supplied our corrections systems with the number of beds that we should have. And this chart, this data here, shows that by numbers-wise, by all of the states and we've heard, quite often, comments of numbers of what other states, how they are population-wise and all those things. According to other states, our population per 100,000 is not overpopulated, although 284, in my mind, is too many per 100,000. We should be like Massachusetts at 88 and we can get into those reform things. But there's also more to the equation than just having the reform part of this. There is also the equation of why do we need a new facility?

**KELLY:** That's your time, Senator.

**DORN:** Thank you.

**KELLY:** Thank you. Senator Dorn, Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. As a reminder, we are debating LB813, which is the third of three major budget bills for this session. And it is called the deficit bill. It funds items that-- where agencies are short, that need money by-- before June, June 30, 2023. And our-- the other parts of the budget start July 1 of 2023. And I'm-- I rise in opposition to FA90-- FA92, which would strike Section 32 on page 9. That's regarding Nebraska Educational Telecommunications Commission. And in there, we have funding to

replace the tower lighting system at KRNE, Merriman and K33AC, Pawnee City and KLNE, Lexington. And the-- looks like we're adding \$160,000 in a construction fund. And it's been an interesting-- I was interested to see that this one is the next amendment. Lighting of television and radio towers has always been shocking to me how expensive they are. But then, when do you think would you climb 1,500 feet in the air to change the light bulb for \$160,000? I, I probably wouldn't agree to do it for that. And so, we-- every year we have different towers that are declared needing maintenance. Federal Aviation Administration tells, tells us they keep track of the maintenance and they tell-- for airplane safety. They tell us when the lighting needs to be updated and so this is just another one of those. We have one or two a year. And so, I urge you to vote no on this floor amendment, so we do have money to fix the lighting on a tower. And I believe we're talking about, yeah, KLNE in Lexington and just also wanted to just get back on track, to say that we're still on LB813, the deficit bill regarding the budget. And once we get to the amendment from the Appropriations and the bill, I would appreciate your vote in favor of those. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements, Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Speaking about funding in the budget for a new prison and the things that we can do that are smart justice reforms to keep people from recidivating, to keep people from filling up this new concrete box that we're building to put them in, one easy thing we can do, among like dozens and dozens of things that people in the, the Judiciary Committee have been talking about with LB920 last year that I think we should take up again, is my LB88, which would allow people with former drug convictions, who qualify, to receive food assistance in Nebraska. These are people, colleagues, who have done their time. It's wrong that someone can get convicted for distribution of marijuana at age 18, that then 15 years later, they wouldn't be able to get SNAP benefits if they need them. That makes no sense. And this bill would correct that. One concern that I successfully addressed with several people, was that people with drug convictions would be likely to sell their EBT cards for money or commit welfare fraud, but there's no evidence to support that that happens either. Many protections already exist in SNAP to prevent fraud. There's no evidence nationwide or in Nebraska that demonstrates a connection between felony drug conviction and the likelihood of committing SNAP fraud. This belief scapegoats and stereotypes drug offenders who aren't more or less likely to commit fraud than any

other person who's ever been convicted of a crime. Besides that, SNAP fraud is already separately addressed in statute and prosecuted. The federal government is aggressively fighting SNAP trafficking by identifying suspicious transaction patterns, conducting undercover investigations and collaborating with other investigative agencies. So there's no reason to believe that any fraud would occur for those with prior convictions. And there's already fraud controls in place that would prevent this from happening in that unlikely event. So instead of assuming that drug conviction-- people with drug convictions are committing food stamp fraud, which is based on a stereotype and not evidence at all, our Legislature should just allow existing welfare fraud statute to prescribe and punish SNAP fraud. We already have a system for that and it works. The creation of the EBT card, which happened under George W. Bush, it's a-- basically, looks just like a credit card or a debit card. And you swipe it to use it-- use your food assistance. You can check the balance online. After you use it, you get a receipt from the, the shop and it usually has your SNAP balance right there, too. So you can see it. And there's even an app called ebtEDGE, in Nebraska, that makes it really easy for people to check their SNAP balance, check when their benefits have been added, things like that. But the creation of this card happened under George W. Bush, and it has been instrumental in decreasing the potential for fraud. So how SNAP works is to use an EBT card, you have to have a PIN number to complete the transaction in the store. And then, an electronic pur-- an electronic record of the purchase is created, which makes it easier to detect fraud. A lot of places also ask to check ID, just like when you use a credit card. They shouldn't ask for ID, but some places do, which is not that they should do it, they shouldn't do it. But it's even another measure against fraud in that case. To activate the card in Nebraska, you have to create an online account. Eligibility is already verified through a lengthy and thorough process, and it's actually pretty difficult to get accepted. The SNAP benefits for the average Nebraskan is \$3.67 per day, or \$1.22 per meal. And we have this benefit--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President. We have this benefit because for many people, that paltry \$1.22 per meal is the difference between starvation, being able to go to work and being able to support yourself and your family without turning back to crime. It only becomes more clear what a great injustice this is when you realize that someone can have served time for any other crime in our state and still be eligible to receive food assistance. But if they have a drug



conviction, they cannot. We feed our prisoners. We feed the people who we incarcerate. So the ban on food stamps for drug offenders must not have to do with their status as a criminal, but rather their status as a drug offender. And if that's the case, we have to wonder what it is about being a drug offender that makes them more morally reprehensible than anyone who commits any other crime, any other crime that would still be eligible to receive SNAP after completing their sentences. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, and this is your last time before close.

**M. CAVANAUGH:** Thank you, Mr. President. I was reading this article from last night. So, LB574 on Final Reading. Ban gender-affirming care for minors has advanced to final round debate after main sponsor, Omaha Senator Kathleen Kauth, agreed to discuss possible amendments to the proposal, which has not yet been set for a third round of debate. In response to Thursday's letter, Kauth said business leaders are ignoring that conservatives feel different-- very differently about her bill. Actually, they're not ignoring that many of the business leaders are conservatives. Actually, most of them are conservatives, so they don't actually feel differently about the bill. They are conservatives and this is how they feel, how conservatives feel about the bill. There are a lot of people with voices, who are saying, yes, we want these policies. There are not. So that is great. That was 115, I think, businesses that we are just disregarding, many in Senator Kauth's district. There's-- I found-- I'm cleaning up my desk here and I found the thing most of you have, pink and blue pieces of paper with faith leaders that signed on in opposition to these bills. A rough estimate, around 300, maybe a little shy of 300, faith leaders, who took the time to put together a list of, of themselves in opposition. I'm sure, again, disregard. Faith leaders, they can't be trusted. Right? So I realized, as I've been standing here, kind of talking, today and I'm like, why haven't I been talking about this, kind of self-reflection. Why, why did I stop talking about LB574? Today is the-- marks the end of 10 weeks since I have been standing here talking, because of LB574. But the last several weeks, I had, I had stopped talking about the bill itself and just talked, part-- partly because you all know why I'm talking, so you don't need a constant reminder. But also, because when LB574 was on Select and Senator Hunt withdrew her motions to see the olive branch, see the compromise amendment. And Senator Kauth attempted to withdraw. We had the standing at ease debacle, yada, yada, yada. Everybody is going to work together. We're going to hit pause. We're going to move it from Select

to Final, we're going to hit pause and we're going to work. And a-- what Senator Kauth called the A-Team, don't know what that means-- a team was-- a team of people were selected to have private meetings that were supposed to be negotiations on what changes could be made on LB574 to bring some agreement on how to improve the whatever-- I've got a lot of choice words for LB574 I won't say. So to improve that thing and, and from the moment that those negotiations started, Senator Hunt and myself, in an attempt to allow that to happen without igniting or inciting the--

**KELLY:** One minute.

**M. CAVANAUGH:** --emotions and the passions of the body, we really measured our, our tone on the floor. And at every possible turn, Senator Kauth showed how disingenuous she was in those negotiations in the press. First of all, in talking to the press about them, but second of all, in the things that she said. And I find myself today wondering why am I acquiescing, why am I not talking about the thing that is fundamentally driving me to stand here day after day, so that negotiations that are no longer, in Senator Kauth's own words, never existed. Why am I doing that? So I'm not going to anymore. I'm not going to. I am going to come back next week, full force. All in. Let's talk about LB574.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I just wanted to rise in opposition to FA92 and to, perhaps, just take a moment to recognize the importance of our public television station that we're proud to host, of course, in north Lincoln's fightin' 46th, at the Carpenter Center. And just wanted to also acknowledge the fact and I'm sure our colleagues who serve on the Appropriations Committee could tell you the same, that I think that there is a great deal of common ground and consensus, surrounding issues like making sure Nebraskans have access to quality public radio and public television. It is, I think, a jewel in Nebraska that we have these systems in place. I think it provides critical information about news events, high-quality children's program-- programming, of course, access to the state legislative deliberations and a host of great sporting

events and other cultural programming, as well. And I know that this is an issue that knows no bounds, in terms of geography or partisanship. And it's great to see some improvements being made to the infrastructure so that, that quality programming can continue to reach the homes of all Nebraskans. I just wanted to also note in regards to this particular item, we, of course, just recently had the, the passing of Mr. Ron Hull, who was a pioneering leader in regards to public telecommunications in this state and beyond and just wanted to note his incredible contributions and leadership on the record here. I'm sure that there will be much more-- many more formal acknowledgments for his incredible life and legacy. But I was definitely thinking about it today, as I was looking deeper into what this floor amendment was touching upon and just wanted to note that for the record. So thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on FA92.

**M. CAVANAUGH:** Thank you, Mr. President. So, we got 25 minutes. Well, if I'm going to be precise, 23 minutes, but we'll round up to 25. So we've got 25 minutes left before this goes to a cloture vote and then, hopefully, we adjourn for the weekend. So FA92 strikes a section. And before you vote against it, I hope you looked up what it struck and read up on it, because I didn't do it for you today. And I withdrew the FA90, which struck Section 1, which was the section that got-- that I was striking, that initially sent me on the conversation about the serial comma. So it's sort of the serial conversation-- serial comma conversation was slightly germane to what's going on, because I believe that striking Section 1 of AM1169 is the equivalent of the debate over the serial comma. Was Section 1 helpful in making it clear? Was it clarifying language? Yes. Was it necessary? Not really. I mean, it's helpful. It allows for fewer error in interpretation, but it wasn't essential. Much like the serial comma, which is helpful and allows for a reduction in error for interpretation when reading a sentence, but not essential. Maybe we should do away with the serial comma in all instances and allow the reader of any sentence to determine the intention of the groupings of the words. So, yeah. There we go. So I think, colleagues, you can, you can read the news yourself. It's an option available to you. But there are several articles. The one on April 13, about the 45 minute pause and that-- that's in the Nebraska Examiner-- sorry, the type is real tiny here-- by Zach Wendling, sitting over there. A-- March 23, bill advances to restrict trans healthcare for minors. Yes, that's a good descriptor of what the bill is. All right. Then we got April 20, Eyebrows raised

over Board of Health's advocacy for bill banning gender-affirming care. Remember that, colleagues? Remember that, that little exposé on the colluding with the Board of Health? I remember that, where the Board of Health also admitted that it's their role and responsibility to do scope of practice and that they believe that this bill follows-- falls under a scope of practice. Yet, they are not asking for or requiring a scope of practice, a credentialing review process. Remember that? Just, you know, integrity, process, blah, blah, blah. April 26--

**KELLY:** One minute.

**M. CAVANAUGH:** -- thank you, Mr. President. April 26, the Chamber letter. April 30, No room for compromise: How talks broke down on amending trans health care. And then there's May 4. So, encourage you all to just peruse these at your leisure. Some interesting quotes from conservative members that seem to indicate that they are not big fans of LB574. So. All right. Thank you, Mr. President. I'd like a record vote.

**KELLY:** Members, the question is the adoption of FA92. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: none. Voting no: Senators Armendariz, Ballard, Blood, Bostelman, Brandt, Brewer, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Halloran, Hardin, Holdcroft, Hughes, Jacobson, Kauth, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Sanders, Wishart. Vote is 0 ayes, 28 nays, Mr. President, on the adoption of the amendment.

**KELLY:** The amendment is not adopted. Mr. Clerk, for items.

**CLERK:** Mr. President, next amendment. Senator Machaela Cavanaugh would move to amend with FA93.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to open on the amendment.

**M. CAVANAUGH:** Thank you, Mr. President. So, colleagues, we now are down to less than 20 minutes. If anyone from the Appropriations Committee wants to say anything else about the budget before we go to cloture, this is pretty much your last chance. So, All right. So this is the April 30 article. No room for compromise: How Talks Broke Down on mending-- Amending Nebraska's trans health care bill. State senators who met recently to talk about the transgender health care

bill couldn't find much common ground. A series of meetings by lawmakers to discuss a potential amendment to the controversial bill ended last week without a compromise. Opponents say there was no real attempt to reach agreement in the meetings and noted that the bill's main sponsor described them only as, quote, listening exercise, not negotiations. Supporters say they entered the session in good faith, hoping to improve the bill, but there was no way to reach a solution that pleased everyone. I think we agreed to disagree, said state Senator Theresa Ibach of Sumner, who supports the measure. Well, I know where you stand in the pictures in history. LB574 would ban gender-affirming care, including puberty blockers, hormone therapy and surgeries for individuals under 19. Backlash to the bill has included a session-long filibuster that continues to slow down the Legislature. LB574 needs to pass one more round of debate before it goes to Governor Pillen's desk to be signed into law. Following a chaotic, chaotic second round, a group was formed to discuss a potential amendment that would address some of the concerns with the bill. The group was composed of eight senators representing both supporters and opponents, including the bill's introducer, Senator Kathleen Kauth, Speaker of the Legislature John Arch, Senators John Cavanaugh, John Fredrickson, Lynne Walz, Ben Hansen, Tom Briesse and Ibach. After four meetings, Kauth ended-- called an end to the discussion. She has yet to officially introduce her amendment, but she told the World-Herald that the primary component would be a grandfather clause that exempts patients who are receiving puberty blockers and hormone therapy, therapy as of March 1. I just would like to question for the record, Kauth called an end to the discussions. Did she? Did she tell the members of this group that she was ending the discussions or did she tell the media and we all read about it? Back to the article. Other than that, she said the amendment will clarify that treatments such as talk therapy and counseling remain legal, as well as make some minor technical changes. So basically nothing. John Cavanaugh, an opponent, said Kauth's planned amendment doesn't include many changes she wasn't already considering before the meeting started. Both he and Ibach agreed that Kauth entered the meeting already thinking about adding the grandfather clause. She comes in with a proposal and leaves with the same proposal, Cavanaugh said. Ibach said a grandfather clause made sense to her and other supporters. She said they don't want to put families in a bind if their children are already undergoing treatment. Opponents had their own amendment in mind, Cavanaugh said, based on the concerns they heard from lawmakers who supported the bill in previous rounds of debate. Their plan would include additional criteria for young patients to qualify for gender-affirming care. To

qualify for surgery, a patient would need to meet a set of eight conditions. To qualify for puberty blockers or hormone therapy, they would have to meet seven conditions. The criteria and the bill-- in the bill opponents proposed, covered a range of steps, including obtaining parental consent, recommendations for at least two physicians from different clinics and a review of the potential side effects of such treatment. For surgeries, the patient must have already undergone treatment for gender incongruence for at least a year. None of these proposals are likely to make it into Kauth's amendment, based on her description of her plans. Ibach said she believes Kauth genuinely wanted to learn more about the opposition's perspective, but their suggested changes were not what she envisioned for the bill. For his part, opponent John Fredrickson said he went into the meetings interested in finding ways to improve the bill, but he said supporters seemed more concerned about how many lawmakers would vote for or against it. Frankly, I don't think that's a good way to make policy, Fredrickson said. I think we have to think about what is the best policy for Nebraska-- Nebraskans and then worry about the numbers later. Kauth said-- has said part of the reason she ended the meetings was her concern that additional changes would lose support for the bill. Additional changes of none would lose support of the bill, which is kind of the argument, exactly, that I have been making since the beginning. She never wanted to change the bill. She had the opportunity to change it before it even left committee. Never wanted to. Never, ever, ever. And then, people decided that they wanted to get involved and muck up the situation. And I'm pretty sure Senator Kauth wasn't happy about that. She wanted people to vote for the bill, the bill, as it was. She still wants people to vote for the bill, the bill as it is. And members of this body just kept voting for the bill as it is, saying they have heartburn over, you know, this human rights violation, but they still are voting for it. Kauth said part of the reason she ended the meetings was her concern that additional changes would lose support for the bill. Even so, she said the meetings were also meant to find and make improvements to the legislation, which she did not do. LB574 has garnered just enough votes to make it past each round of debate so far, because people keep voting for it, as is. If just one of those votes isn't there in the final round, the bill will fail. Several LB574 supporters have expressed confidence that even without an amendment, the original bill has the votes to pass. Of course it does, because you all keep voting for it, as is. You all are totally fine with this debacle. If you weren't, I would be sitting down and I want to sit down so badly. My back is killing me. I want to sit down so badly. How much time do I have left?

**KELLY:** 2:54.

**M. CAVANAUGH:** All right. I am going to sit down for a minute. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you. Mr. President, I rise in opposition to FA93, which says it's going to-- would remove Section 33 of LB813, the deficit bill. And that would remove an adjustment to the homestead exemptions. It actually shows that it's going to reduce the homestead exemption appropriation by \$1,800,000. And I don't want anybody to think that we are taking money away from people that get a homestead exemption. The budget has in it, currently, \$121,300,000 for homestead exemption reimbursements to counties. And this would change that to \$119,500-- \$119,500,000 is all they really need to fund for the rest of this year, through June 30. And so, that \$1.8 million reduction is a small amount coming off of the proposed-- when we had to set the budget previously, for '22 and fiscal year '23. And just to let you know, the budget that we are adopting in the mainline budget this year, homestead exemption allowance is increasing by \$8,500,000. So the \$1.8 million we're reducing, we're putting it back in for 2024, adding \$8.5 million. So \$128 million will be the homestead exemption allowance appropriation in 2024. Then, it increases by another \$5,600,000 for 2025. We will allow \$133,600,000. And those are just based on projections by the Department of Revenue for-- mainly, because property valuations go up, so taxes go up. And then, if you're exempt from tax, your homestead exemption increases. So that's why we're increasing the homestead exemption allowance, which we do repay to counties. And some people might think that if you're exempt from property tax, your county or your school is going to not-- is not going to receive the funds. Well, all the counties, schools and cities do receive those funds, because the state reimburses the county treasurer for the loss of revenue that would have occurred when people were exempt from property taxes. So that was something I wasn't really clear on when I became a senator, but being on the Appropriations Committee, I've become aware of that. And I think it's good for us to review the, the fact that this is a property tax relief, 121-- it will be \$119 million worth of additional property tax relief the state is sending to local entities, to the counties to reimburse the taxes that are not being paid. And we're going to be increasing that to \$128 million in 2024 and 133 the following year. So I do oppose FA93 so that we can--



**KELLY:** One minute.

**CLEMENTS:** --so that-- thank you-- so that we may adjust to the amount of deeds and not overappropriate for homestead exemption, but we still will be fully funding those homestead exemptions to the counties. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements. Senator Hunt, you're recognized to speak. This is your last opportunity.

**HUNT:** Thank you, Mr. President. I have a few more thoughts about SNAP and then I want to get on this tack that Senator Machaela Cavanaugh has been on. And if anybody would like to yield me time, I'd be happy to take it. Talking about SNAP prohibition, on letting people who have former drug convictions apply for SNAP and receive SNAP, it really makes no sense to give a person a legal disadvantage or a punishment because of a conviction, when that punishment is not even a part of the sentence for the crime. You know, part of the sentence for the crime that the judge hands down after you get convicted of a drug felony, they don't say and you're going to do, you know, two years in prison, you got this fine, you got this community service and you can never apply for SNAP. That's not what the judge says. And so, saying that someone with a drug conviction is ineligible for SNAP is an invisible punishment. It's a punishment that continues, even though the person didn't know that when they committed the crime or even when they got their sentence, when they got convicted of the crime. Senator Danielle Conrad, a couple weeks ago or maybe last week-- this time really runs together. She asked the Legislative Research Office for a list of all of these invisible crime or all these invisible punishments for crimes. So basically, like not being able to vote if you have certain types of felony convictions, things like this stuff that we make people continue to pay for in different ways, even though that's not part of the sentence that the judge hands down for the crime. Courts are not required to notify defendants that they might face ineligibility for SNAP, even if they have a conviction. And for most drug offenders, that comes later. And they find out the hard way that they're going to continue to pay for this crime for the rest of their life by being unable to access SNAP and food assistance, even though other formerly incarcerated people are offered that same assistance. There's one 63-year-old woman who comes to the Together Inc. food pantry every month in Omaha, who some of the workers at Together told me about. And she's denied SNAP because of a felony drug conviction over 20 years ago. She has serious health issues that have bankrupted her. She's homeless and she relies on the goodwill of

friends to bring her to the pantry and get more food when she runs out. One of the workers at Together Inc. talked to her and I have a quote from her. She said, I rely on myself and when I'm too tired to do that, I rely on God to give me food. A father of four children at the same food pantry in Omaha skips meals two times a week so that his kids can eat. And his children can't benefit from SNAP because he has a felony drug conviction. And he can't find a good job to take care of his family because of that conviction. These people have already done their time. Our social service system is separate from our criminal justice system and we should keep it that way. We shouldn't be using our social services as an arm of the carceral system to keep punishing people for their crimes. And our Legislature should not enact and it shouldn't retain laws that blur the lines between these two systems, between HHS and corrections. The drug felony ban makes our welfare system an instrument of the criminal justice system and because of this ban, formerly incarcerated people continue to be punished, even after they've completed their judicially mandated-- mandated sentence. Once you do your time, you should be able to reintegrate into society and live like everyone else. And it's the job of the Legislature to pass policies that help formerly incarcerated people do that, while being mindful of public policy--

**KELLY:** One minute.

**HUNT:** --and reducing recidivism to keep us safe. Thank you, Mr. President. This is a better system for people who have addiction issues, who are coming out of our prisons. In a way, LB88 could also be considered more rigorous than what we already have in statute, because what we already have in statute is that you have to go through a nationally accredited substance abuse treatment program, but we don't even offer those in our prisons. So when you come out of prison in Nebraska, you're ineligible for SNAP until you go through this treatment program. But these treatment programs have waitlists, so you're ineligible for food until you get through the waitlist and you're ineligible for food assistance until you complete the program. You don't get any food when you're in the program. So for people who are addicted and dealing with addiction, the opportunity to be on probation or parole means that they could come out and receive food stamp benefits immediately and not go back into prison, as long as they're in compliance with the terms of their parole and probation and post-release. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Mr. Clerk, you have a motion on the desk.

**CLERK:** I do, Mr. President. Speaker Arch would move to invoke cloture on LB813 pursuant to Rule 7, Section 10.

**KELLY:** Senator Arch, for what purpose do you rise?

**ARCH:** Call of the house. Roll call vote.

**KELLY:** There's been a request to place the house under call. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 31 ayes, 3 nays to place the house under call.

**ARCH:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Members, the first vote is the motion to invoke cloture. There's been a request for a roll call vote.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day not voting. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart voting yes. Vote is 38 ayes, 1 nay, Mr. President, on the motion to invoke cloture.

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**KELLY:** Cloture is invoked. The next vote is on the adoption of FA93. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 0 ayes, 37 nays on the adoption of the amendment, Mr. President.

**KELLY:** FA93 is not adopted. Members, the next vote is on the adoption of AM1169. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 38 ayes, 0 nays on the adoption of the committee amendment.

**KELLY:** AM1169 is adopted. The next vote is the-- is to advance LB813 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 36 ayes, 2 nays on advancement of the bill.

**KELLY:** It is advanced. Raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, amendments be printed, Senator Murman to LB705. Additionally, priority motion. Senator Jacobson would move to adjourn the body until Monday, May 8, 2023, at 9:00 a.m.

**KELLY:** Mr. Speaker, you're recognized.

**ARCH:** Thank you, Mr. President. End of the week announcement, just to give you an idea of what's coming up, Monday, Tuesday. Next week, all four night-- all four days are scheduled as late nights. And depending upon the progress we make next week, the schedule for Thursday may change to our regular last day of the week pattern. But if so, I'll give you prior notice. I appreciate the body's work, especially want to note the members of the Appropriations Committee, Chairman Clements, Vice Chair Wishart, for completing the General File debate of the budget bills this week. I intend to schedule the Select File debate of these budget bills to begin late Tuesday or Wednesday morning. The Select File debate of the claims bill will be on Monday. So pursuant to our rules, all the budget bills, including those already sitting on Final Reading, need to be passed by day 80. That's our timeline. Have a good weekend. Thank you for your efforts this week.

**KELLY:** Thank you, Mr. Speaker. There's been a request for a roll call vote on the motion to adjourn. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman not voting. Senator Frederickson voting yes. Senator Halloran not voting. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no-- voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting no. Senator Wishart voting yes. The vote is 39 ayes, 4 nays, Mr. President, on the motion to adjourn.

**KELLY:** We are adjourned.